



# General Assembly

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## Human Rights Council Working Group on Arbitrary Detention

### Views adopted by the Working Group on Arbitrary Detention at its 101st session, 11–15 November 2024

#### Opinion No. 50/2024 concerning Luis Fernando Camacho (Plurinational State of Bolivia)\*

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.
2. In accordance with its methods of work,<sup>1</sup> on 19 May 2023 the Working Group transmitted to the Government of the Plurinational State of Bolivia a communication concerning Luis Fernando Camacho. The Government replied to the communication on 18 July 2023. The State is a Party to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
  - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
  - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
  - (d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);
  - (e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

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\* Mumba Malila did not participate in the discussion of the case.

<sup>1</sup> [A/HRC/36/38](#).



**1. Submissions****(a) Communication from the source**

4. Luis Fernando Camacho is a national of the Plurinational State of Bolivia and was born on 15 February 1979. Mr. Camacho is a lawyer and is currently the Governor of the department of Santa Cruz.

**(i) Arrest and criminal proceedings**

5. On 28 December 2022, at around 2.10 p.m., between radial roads 26 and 27 in Santa Cruz de la Sierra, Mr. Camacho was driving home after leaving an official activity when his vehicle was intercepted by more than 40 State officers whose faces were covered and who were not wearing clothes identifying them as police officers. They did not produce an arrest warrant and they were heavily armed with machine guns, shotguns, pistols and gas launchers. The plain-clothes officers carried out an extremely violent operation in which they fired four shots to intimidate and subdue Mr. Camacho's security staff, who were accompanying him.

6. The officers pointed a firearm at Mr. Camacho's head, threatening to shoot him if he resisted. When Mr. Camacho got out of the vehicle, the officers threw him onto his stomach, with his face on the pavement, and restrained him with plastic handcuffs secured behind his back. The officers placed a cloth hood over Mr. Camacho's head so that he could see neither his captors nor the place to which he was being transported. He was also hit in the back, at the level of the kidney, and laid down in the back of a vehicle, while an officer used his boot to press his head against the floor of the vehicle.

7. Mr. Camacho's cloth hood was briefly removed at Santa Cruz Airport and then put back on to board a military helicopter that took him to Chimoré in Cochabamba, where he remained for two and a half hours before continuing the flight, with the hood over his head, to El Alto in La Paz.

8. Mr. Camacho was denied contact with his family and lawyers until about five hours after his arrest. Once in La Paz, on 28 December 2022, he suffered a medical crisis or decompensation on the premises of the Crime Squad. In February 2019, Mr. Camacho had been diagnosed with adult common variable hypogammaglobulinemia with selective IgA deficiency and Churg-Strauss syndrome of the ANCA-associated vasculitis and autoimmune group. For this reason, Mr. Camacho receives a series of medications and serums every 20 days. Without this medical treatment, his life would be in danger.

9. From the day of his arrest, and throughout his detention to the present date, the Government has refused to grant him unrestricted access to medication and treatment in a proper medical facility, or has hindered that access, thereby repeatedly endangering Mr. Camacho's life. Both the authorities at the prison where Mr. Camacho is being held and the militant groups of pro-government supporters who gather daily at the prison gates to harass, threaten and beat Mr. Camacho's visitors have obstructed the entry of medication, doctors, equipment and ambulances on several occasions.

10. On 29 December 2022, an online hearing was held in the Eighth Criminal Investigation Court of La Paz (pretrial judge). Outside the Departmental Directorate of the Crime Squad there were groups of militants affiliated with the ruling party who threatened to attack the judge if Mr. Camacho was not sent to jail.

11. According to the source, the pretrial judge ignored the publicly available and blatant evidence that excessive force had been used. He also dismissed the request for a declaratory judgment on the alleged unlawful arrest and the appeal for the annulment of the arrest warrant, which was not issued until 29 December 2022, backdated to 31 October 2022, and which did not set out any grounds or reasoning. The pretrial judge ruled that Mr. Camacho should spend four months in pretrial detention in Chonchocoro Maximum Security Prison, despite the fact that there were no procedural risks that justified the detention.

12. The hearing was conducted online using Zoom – supposedly to prevent the spread of the coronavirus disease (COVID-19) – and was plagued by irregularities. Neither the judge nor the prosecutor activated their cameras, in spite of the lawyers' requests. The judge appeared to be reading from prepared documents, which violates the principles of immediacy

and orality, and his reading was inaudible. The protests raised by Mr. Camacho and his defence were ignored. When the hearing ended, Mr. Camacho was sent to the dangerous Chonchocoro Maximum Security Prison, which is known as a place where prisoners are murdered.

13. On 2 January 2023, the President of the Plurinational State of Bolivia, who was in Brazil, gave an interview to the *Folha de S. Paulo* newspaper in which he prejudged Mr. Camacho's guilt, saying "today, there are videos on the networks in which he confesses to having participated in the plan to put Añez in office. As if that were not enough, everyone saw him at the Palacio Quemado with the Bible in his hand. The evidence of his involvement is clear."<sup>2</sup> On 22 January 2023, the Deputy Minister for Coordination and Governance, in an attempt to downplay a demonstration in support of Mr. Camacho, said that even if the civic committees marched every day, no judge would hold a hearing or grant an appeal in Mr. Camacho's favour.<sup>3</sup>

14. On 26 January 2023, Mr. Camacho found a hidden camera in his cell while a family member was visiting him. When he informed the prison guards, police officers tried to take the device from him and forcibly transferred him to another cell. Both Mr. Camacho's lawyers and his family member filed complaints for violation of their privacy, dignity and right to a defence, but these were dismissed.

(ii) *Legal analysis*

15. According to the source, Mr. Camacho's detention is arbitrary within categories I, II, III and V of the Working Group.

a. Category I

16. The source argues that Mr. Camacho is accused by the Public Prosecution Service of the offence of terrorism (Criminal Code, art. 133), which has been described by the Special Rapporteur on the independence of judges and lawyers, in May 2022, as a vaguely defined offence that gives rise to concern.<sup>4</sup> Furthermore, in its 2021 report, the Interdisciplinary Group of Independent Experts recommended bringing the vaguely defined and abstract offence of terrorism – which, according to the Group, results in the undue criminalization of acts aimed at subverting the constitutional order – into compliance with the principle of legality and international standards because it noted that the offence was invoked arbitrarily as part of a pattern of using criminal law for political ends.<sup>5</sup>

17. The source points out that this criminal offence, being vaguely defined, is contrary to the principle of legality and is used arbitrarily to persecute political opponents such as Mr. Camacho. The Working Group has found that the application of vague and overly broad provisions, particularly against persons who are critical of the Government, makes it impossible to invoke a legal basis justifying the deprivation of liberty.<sup>6</sup>

b. Category II

18. The source claims that the Government has detained Mr. Camacho in response to the legitimate exercise of his freedoms of expression, peaceful assembly and association and his exercise of public office as a democratically elected Governor (Universal Declaration of Human Rights, arts. 19–21, and the Covenant, arts. 19, 20 and 25).

19. The Working Group concluded in Opinion No. 61/2019 that the arrest of an elected mayor and opponent of the ruling Movimiento al Socialismo party was a direct consequence

<sup>2</sup> See <https://www1.folha.uol.com.br/mundo/2023/01/pedirei-ajuda-de-lula-para-apurar-participacao-de-bolsonaro-no-golpe-na-bolivia-diz-arce.shtml>.

<sup>3</sup> See <https://www.opinion.com.bo/articulo/pais/viceministro-torrico-descarta-libertad-camacho-civicos-marchen-todos-dias/20230122181035894752.html>.

<sup>4</sup> A/HRC/50/36/Add.1.

<sup>5</sup> Interdisciplinary Group of Independent Experts, Bolivia, *Informe sobre los hechos de violencia y vulneración de los derechos humanos ocurridos entre el 1 de septiembre y el 31 de diciembre de 2019*, 23 July 2021, p. 261.

<sup>6</sup> Opinion No. 16/2020, para. 73.

of his criticism of the Government. It also pointed out that the persecution of the mayor was part of a pattern of persecution of political leaders and opponents and it drew attention to the growing number of legal proceedings against members of the political opposition and former public officials, a pattern that has intensified under the current Government.

20. As in the case that gave rise to Opinion No. 61/2019, Mr. Camacho's violent arrest and detention are the direct result of his outspoken criticism of the Movimiento al Socialismo Government. Mr. Camacho is a victim today of the same broader pattern of persecution of political leaders and critical opponents that the Working Group identified as early as 2019.

21. Mr. Camacho is the President of the Comité Cívico Pro Santa Cruz (Pro Santa Cruz Civic Committee) and, in this capacity, he called on civil society to demonstrate peacefully on two occasions. The first occasion was when former President Morales stood again for the presidency, in violation of article 168 of the Constitution and the outcome of the 2016 referendum on amending this article, in which the "no" option obtained the majority of votes. The second occasion was to denounce the alleged electoral fraud in the presidential elections of 2019.

22. Mr. Camacho led demonstrations demanding the resignation of former President Morales following the alleged electoral fraud. He even drafted a letter of resignation for Mr. Morales and travelled to La Paz to deliver it personally. Together with a number of organizations, he called on the security forces not to repress the people and to join the protest, which culminated in the resignation of Mr. Morales. Since 2019, Mr. Camacho has been one of the most forceful critics of the Movimiento al Socialismo Government. His detention is seen as a reprisal for exercising his freedoms of expression, assembly and association by leading peaceful protests against a Government accused of electoral fraud.

23. Mr. Camacho's pretrial detention is intended to prevent him from exercising his right to participate in the public affairs of the Plurinational State of Bolivia and from continuing to exercise his public role as Governor of Santa Cruz. Days after Mr. Camacho's arrest, the Minister of Justice publicly stated that, in view of his pretrial detention, Governor Camacho should be removed from his post as Governor.<sup>7</sup> The Ministry of Justice also threatened to bring criminal proceedings against the Deputy Governor and the Legislative Departmental Assembly of Santa Cruz if they did not replace Governor Camacho, stating that they would be criminally prosecuted for the offence of breach of duties.<sup>8</sup> Numerous representatives of Movimiento al Socialismo in the Legislative Departmental Assembly called for elections to replace Governor Camacho.<sup>9</sup>

24. In February 2023, the judiciary admitted a writ of mandamus filed by representatives of Movimiento al Socialismo in the Assembly requesting the removal of Governor Camacho from office as a result of his pretrial imprisonment. The hearing seeking Mr. Camacho's dismissal was scheduled for 8 February 2023 but has repeatedly been adjourned.

25. Mr. Camacho is facing at least five sets of criminal proceedings as a reprisal for his criticisms of the Government.<sup>10</sup> The pretrial judge considered evidence relating to "repeated criminal conduct", "risk of flight", "danger to society" and "risk of obstruction". He did not mention the possibility of alternative measures, such as preventive custody or travel bans. In addition, the judge argued that Mr. Camacho was a danger to society because of the protests organized by his supporters after his arrest. With regard to the "risk of obstruction", the judge stated that, given his position as Governor, Mr. Camacho could tamper with evidence and influence witnesses.

<sup>7</sup> See [https://eldeber.com.bo/pais/gobierno-advierde-con-accion-penal-si-el-vicegobernador-no-asume-las-funciones-de-camacho\\_310121/](https://eldeber.com.bo/pais/gobierno-advierde-con-accion-penal-si-el-vicegobernador-no-asume-las-funciones-de-camacho_310121/).

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Five sets of criminal proceedings for: (a) breach of duties, offences against health and insult to symbols; (b) offences of discrimination and racism; (c) decisions contrary to the Constitution and breach of duties; (d) undue use of influence, causing economic harm, attacking the President and senior State dignitaries, political violence against women; and (e) offences of racism, attacks against the freedom of labour, attacks against the freedom of public services.

26. The numerous criminal proceedings against Mr. Camacho, together with the fact that his position and place of residence as a sitting Governor are known, should have ruled out the possibility of there being a risk of flight or obstruction. The fact that the judge has not issued a decision to release him immediately or handed down an alternative measure to pretrial detention indicates that Mr. Camacho's detention is arbitrary and is aimed at depriving him of his rights to political participation and participation in public affairs.

c. Category III

27. Mr. Camacho's right to the presumption of innocence has been violated as on repeated occasions senior government officials have openly and improperly denounced him as a "coup plotter" and a perpetrator of the offence of "terrorism" in connection with the "Coup d'Etat I" case.<sup>11</sup> The source refers to the Working Group's jurisprudence, which concludes that the public statements of high-ranking officials violate the right to presumption of innocence if, in such statements, persons are declared guilty of an offence for which they have not yet been tried, thereby leading the public to believe them guilty and prejudging the assessment of the facts by the competent judicial authority.<sup>12</sup>

28. The source alleges that Mr. Camacho was subjected to cruel, inhuman and degrading treatment by the authorities as he was arrested in an extremely violent manner. This operation has been described by the general public as a kidnapping.

29. Following his arrest, Mr. Camacho was denied timely medical care after suffering a severe health crisis, which included fainting, nosebleeds and tachycardia. He has continued to be denied adequate medical care and alternative precautionary measures, despite the serious risks to his health and life. Similar cases have been examined by the Working Group, which has found that they constituted cruel, inhuman and degrading treatment by the authorities.<sup>13</sup>

30. Mr. Camacho has been subjected to ill-treatment since his arrest, including denial of medical care and unlawful surveillance in his cell. On 26 January 2023, he discovered a hidden camera in his cell while a family member was with him. After publicly reporting it, he was taken to the sick bay, probably to hide the evidence and to force him to hand over the camera, which he refused to do. The Government has failed to acknowledge its responsibility for installing the camera, and the judicial system has refused to investigate the incident. Since then, his visiting arrangements have been severely restricted.

31. Mr. Camacho's family member has publicly stated that the camera had recorded private moments. The family member filed a criminal complaint for sexual harassment and psychological violence with the Special Anti-Violence Unit but it was recently dismissed.

32. Mr. Camacho's rights to have access to a lawyer, to prepare a defence and to equality of arms between the defence and the prosecution have been violated. After he was arrested without a warrant, Mr. Camacho spent about five hours without being allowed to communicate with his family or lawyers.

33. During the online preliminary hearing conducted on 29 December 2022, the judge committed a number of irregularities: (a) he kept his camera turned off, which violated the protocol for online hearings; (b) instead of conducting the oral hearing in a natural manner, he read from previously prepared documents, which violated the requirement for prompt and oral hearings to be held; and (c) owing to his rushed and unintelligible reading, and the poor quality of the audio, the persons in attendance could not understand most of what he was saying, which prevented them from understanding the reasoning behind the pretrial detention.

<sup>11</sup> On 2 July 2020, former President Morales used his Twitter account to explicitly accuse the Governor, among other persons: "All those who supported the November coup d'état (Tuto, Mesa, Camacho and others) put Áñez (in power) and are responsible for the dire economic and health situation that the country is undergoing". See <https://x.com/evoespueblo/status/1278647438941831168>.

<sup>12</sup> Opinion No. 61/2019, para. 84.

<sup>13</sup> Opinion No. 13/2021, para. 74.

34. Mr. Camacho's defence lawyers have publicly condemned the fact that their client is allowed to meet with each of them separately for only 15 minutes, which severely hinders the preparation of his defence.<sup>14</sup>

35. Mr. Camacho's right to remain at liberty during proceedings was also violated, since the pretrial judge, instead of considering the five sets of criminal proceedings against him as a reprisal for his criticisms of the Government, used them as evidence to justify his pretrial detention.<sup>15</sup>

36. Mr. Camacho's right to be tried by an impartial judge is being violated. Mr. Camacho's imprisonment is part of a pattern of persecution of political leaders opposed to the Government of the Plurinational State of Bolivia, in a context in which the judiciary lacks independence and is made up of judges who operate under permanent pressure of dismissal or imprisonment by the Ministry of the Interior.

d. Category V

37. The source alleges that Mr. Camacho's detention in a maximum security prison for having led civil society in peaceful mass protests against alleged electoral fraud is part of a systematic pattern of persecution and discrimination against democracy and human rights activists and political leaders opposed to the Government. The fact that Mr. Camacho was transferred by military helicopter and military aircraft is evidence that his detention is based on discrimination relating to his political opinions.

**(b) Response from the Government**

38. The Working Group, in accordance with its methods of work, transmitted the source's allegations to the Government on 19 May 2023 and requested it to submit a response by 18 July 2023.

39. The Government's response of 18 July 2023 stated that Mr. Camacho has already appealed to the Inter-American Commission on Human Rights requesting precautionary measures. This request has not received a response from the Commission, despite the fact that a significant amount of time has passed, which the Government considers to be a positive reflection on its efforts and an acknowledgment that it is complying with its human rights obligations. The Government goes on to describe the sociopolitical background of the Plurinational State of Bolivia, which resulted in the arrest of Mr. Camacho, among other serious incidents.

40. The Government claims that, between October 2019 and October 2020, a series of acts were committed in the Plurinational State of Bolivia that were in violation of both national law and the fundamental principles of human rights. The Government states that Mr. Camacho was directly involved in these acts, which led to several complaints being submitted to the Public Prosecution Service by citizens.

41. The Government states that these complaints were intended to ensure recognition of the victims of massacres and other serious human rights violations, as established in the aforementioned final report of the Interdisciplinary Group of Independent Experts. It was this Commission that found that the Comité Cívico Pro Santa Cruz, of which Mr. Camacho was the President, and the Unión Juvenil Cruceñista, led the strike called in 2019 by the Comité Nacional de Defensa de la Democracia to challenge the result of the 2019 presidential elections and organized the public to block the streets and restrict traffic in the main cities, towns and highways of the department, where violence and racism prevailed, resulting in a large number of injuries and deaths.

42. The Government states that, on the basis of a complaint filed by a citizen, criminal proceedings were initiated against Mr. Camacho and other persons for the alleged commission of offences under articles 133 (terrorism), 123 (sedition) and 126 (conspiracy) of the Criminal Code.

<sup>14</sup> Opinion No. 45/2021, para. 96.

<sup>15</sup> See opinion No. 33/2012.

43. The Government states that the records of the investigations setting out the activities of the accused bring together several pieces of evidence indicating that Mr. Camacho allegedly committed criminal offences. These include indications that he made a number of financial deposits to the actors involved in the coup d'état (police officers, military personnel and members of Jeanine Áñez Chávez's cabinet), published several messages celebrating the uprising and, some time later, revealed that, together with a relative, he had negotiated the insurrection of the same police officers who subsequently committed all manner of human rights abuses.

44. The Government stated that, on two occasions, Mr. Camacho was summoned to appear before the Public Prosecution Service and the Office of the Anti-Corruption Prosecutor in La Paz. On both occasions, he undertook to appear, but when the day in question arrived, he did not attend and sent a letter justifying his absence on health grounds.

45. Mr. Camacho requested that the proceedings be held in Santa Cruz, which was accepted by the Government. However, the prosecutor received security threats, which led the Public Prosecution Service to suspend the hearing and issue an arrest warrant against Mr. Camacho, authorizing the police to execute it.

46. The Government notes that Mr. Camacho was arrested without the use of force, and that a properly identified agent notified Mr. Camacho, attaching the decision and an arrest warrant dated 31 October 2022. Mr. Camacho signed the record of notification of his arrest as an indication of his consent. In addition, the Government states that he was never threatened with a firearm or taken to La Paz with a hood over his head.

47. The Government states that the police acted in accordance with the procedural manual on respect for human rights in situations such as this one, taking into account that Mr. Camacho had between 30 and 40 armed security personnel, who were all carrying weapons with legal permits and were travelling in six vehicles. This explains the number of police officers that were mobilized to carry out the arrest.

48. The Government states that, during the procedure, an incident occurred when a pickup truck rammed police vehicles near Santa Cruz Airport. As a result, the police decided to transfer Mr. Camacho by helicopter from a military hangar, instead of taking a normal flight, to avoid any possible interference by citizens that could have jeopardized the safety of Mr. Camacho, his security team, the police officers, the prosecutor and members of the public at the airport.

49. The Government reports that, upon landing in El Alto, in La Paz, two doctors were waiting for Mr. Camacho. With his consent, the doctors gave him medication for the altitude (the city is 4,150 m above sea level). After this examination, he was taken – accompanied by the same doctors – to the facilities of the Crime Squad, duly guarded to guarantee his safety.

50. On 28 December 2022, Mr. Camacho was handed over to the Committee of Prosecutors, which became aware of the arrest. In response to public allegations of mistreatment during the transfer, a forensic medical expert was called in and confirmed that Mr. Camacho showed no signs of mistreatment or assault and that his heart was functioning normally. Mr. Camacho's family doctor subsequently confirmed this diagnosis.

51. The Government states that Mr. Camacho was immediately read his constitutional rights and that, with the assistance of his lawyer, he decided to remain silent. The Public Prosecution Service then requested that he be given medication, which was done under the supervision of his personal doctor.

52. On 29 December 2022, the prosecutor issued a decision to broaden the formal charges and requested the application of precautionary measures against Mr. Camacho as a likely participant in the offence of terrorism, based on the following grounds: (a) in November 2019, he had established the firm purpose of deposing a Government that was lawfully constituted by popular vote; (b) he contacted officers of the Armed Forces of the Plurinational State of Bolivia and the National Police to urge these bodies not to comply with their constitutional duties; (c) on the day that the Armed Forces and the National Police requested the resignation of the President, Mr. Camacho, guarded by police officers, entered the vicinity of Plaza Murillo and the interior of Palacio Quemado; and (d) the computer forensics report highlighted an audio recording in which Mr. Camacho confessed that the new Minister of

Defence, who went to negotiate with the police and the military, had been appointed “in order to comply with commitments”.

53. The Government reports that, on the day on which Mr. Camacho’s online hearing on precautionary measures was held, doctors examined him to check his stability. The hearing took place without interruptions, and the judge ruled that his arrest had been lawful and that his rights had not been violated, confirming the likelihood of his guilt and that he posed a risk of flight and obstruction. As a result, it was decided that he should be detained in Chonchocoro Prison for security reasons. Neither Mr. Camacho nor his lawyers raised any complaints about technical problems during the hearing. The Public Prosecution Service requested that the cameras be deactivated in order to avoid any disruption resulting from the large number of people connected and the Government states that the irregularities were resolved in a timely manner by the judicial authority.

54. The Government reports that, since the issuance of the pretrial detention order, Mr. Camacho has been held in a separate cell from other inmates, subjected to ongoing surveillance and given medical care, being monitored by specialists in immunology, general medicine, rheumatology and laboratory testing. Churg-Strauss syndrome was identified as being an underlying medical condition. For this reason, Mr. Camacho is accompanied and supported by a family member and receives ongoing medical check-ups.

55. With regard to category I, the Government argues that the use of a preventive measure is legitimate, suitable, necessary and proportionate to the offences under investigation. After the corresponding hearing, Mr. Camacho has been charged, not only with terrorism, but also with financing terrorism, bribery, the corruption of troops, public incitement to commit an offence and criminal association. In view of these circumstances, it was necessary to extend Mr. Camacho’s pretrial detention for legal and procedural reasons. In addition, the judicial authority considered that the existence of a risk of flight and a risk that the proceedings would be obstructed, as established in the Code of Criminal Procedure, had been demonstrated.

56. The Government argues that Mr. Camacho’s detention cannot fall within category II; in that regard, it recalls that efforts are being made to punish persons who actually violated human rights, on the basis of the report drawn up by the Interdisciplinary Group of Independent Experts and the Office of the United Nations High Commissioner for Human Rights, among other pieces of evidence. According to the Government, Mr. Camacho acknowledged that a member of his family had made a pact with the police and the military to request the resignation of President Morales. It is therefore not possible to suppose that Mr. Camacho was fighting for his human rights.

57. The Government wishes to highlight the falsity of the source’s claim that Mr. Camacho, as the President of the Comité Cívico Pro Santa Cruz, called on civil society to demonstrate peacefully on two occasions. On the contrary, it is public knowledge that Mr. Camacho called on the security forces to join him, made illegal deals with the police and military to stage a rebellion and promoted acts of violence in the country and the city of Santa Cruz, with the support of the Unión Juvenil Cruceñista, the operational arm of the Comité Cívico Pro Santa Cruz, which has been identified as a paramilitary group by the International Federation for Human Rights and the Interdisciplinary Group of Independent Experts. All these acts contradict the claim that the protest was peaceful and are now being investigated by the competent authorities.

58. According to the Government, articles 25 and 26 of the Statute of Autonomy of Santa Cruz de la Sierra establish that any absence from office implies abandonment of the office and may give rise to a new criminal trial against Mr. Camacho, who cannot attend his office or attend to his obligations as Governor of Santa Cruz.

59. The Government denies that Mr. Camacho has not had access to a fair and impartial trial. It states that it is important to consider his own statements about his participation in the coup d’état, as well as the actions of his family member.

60. With regard to the possible presence of a video camera in Mr. Camacho’s cell, the Government states that it has invited Mr. Camacho’s lawyers to launch investigations with the assistance of the Technical-Scientific Research Institute of the Police University and the Crime Squad. After consulting the Public Prosecution Service, it was found that no complaint



has been made relating to sexual harassment, psychological violence, violation of the right to privacy or any other offence involving the aforementioned camera in the cell.

61. The Government states that the reasons that led to Mr. Camacho's detention are not related to the exercise of his human rights or to any ground relating to discrimination; therefore, Mr. Camacho's detention does not fall within category V either.

**(c) Additional comments from the source**

62. The Working Group transmitted the Government's response to the source on 20 July 2023 and requested any final comments and observations, which were received on 4 August 2023.

63. In the source's additional comments, it draws attention to a contradiction between the Government's claims and the reality of Mr. Camacho's situation. The Government claimed that an arrest warrant was shown to Mr. Camacho at the time of his arrest but, at the hearing held on 29 December 2022, the defence presented documentary evidence indicating that State agents did not show him the warrant at the time of the arrest. Instead, several hours later, he was forced to sign a paper acknowledging receipt of the warrant while being transferred in a military helicopter.

64. The Government has not refuted that, more than half an hour after arresting Mr. Camacho, the Minister of the Interior published a tweet stating: "we inform the Bolivian people that the Bolivian police has complied with the arrest warrant against Mr. Luis Fernando Camacho", without giving any further details.<sup>16</sup> Both his family and his lawyers learned of the arrest through the social network X, formerly known as Twitter.

65. The Government states that it was not necessary to use weapons or force, as Mr. Camacho claims, and that he was not hooded at any time. However, the source affirms that this claim is false because Mr. Camacho's defence did report the extreme violence carried out by State agents in a habeas corpus action dated 29 December addressed to the Departmental Court of Justice; and the fact that the Governor was hooded, as part of the violence to which he was subjected, is common knowledge, to the extent that there is a video showing a hooded Mr. Camacho being taken by State agents into a military helicopter.

66. The source reiterates that the assumptions of "repeated criminal conduct", "risk of flight", "danger to society" and "risk of obstruction" clearly do not apply to Mr. Camacho, who works (or worked, until his arrest) every day from his public office.

67. The source refutes the Government's claim that Mr. Camacho receives 24-hour medical supervision, appropriate treatment and visits from family members, doctors and lawyers. On 27 January 2023, Mr. Camacho's defence filed an appeal in which it denounced the fact that ditches have been dug around Chonchocoro Prison to prevent his lawyers, family and healthcare providers from entering and pointed out that, despite Mr. Camacho's delicate state of health, he has not received timely medical care.

**(d) Additional information from the source**

68. On 16 November 2023, the source provided additional information stating that the First Anti-Corruption Court of the Plurinational State of Bolivia extended Mr. Camacho's pretrial detention by three months. Mr. Camacho's defence had requested a hearing to review his legal situation, as his pretrial detention had been extended twice previously, and was due to expire on 28 August 2023. However, the public prosecutor's office argued that it needed more time to present a formal accusation at trial.

69. The source reports that the Government, despite the issuance of a court order by Santa Cruz Court on 13 September 2023, withheld Mr. Camacho's medical reports. According to a proctologist's report dated 16 August, Mr. Camacho urgently requires surgery. As at 19 September 2023, however, the defence had not had access to these reports, which were produced at Hospital del Sur in El Alto. Mr. Camacho's deteriorating health and the

<sup>16</sup> See <https://x.com/EDelCastilloDC/status/1608171690575671296>.

restrictions on his access to medical care put his health at risk, as he needs constant specialized medical attention.

70. In an update sent to the Working Group on 5 January 2024, the source reported that 28 December 2023 is the first anniversary of Mr. Camacho's arrest. His liberty is still restricted, he has no access to visitors or any means of communication, and he spends only one hour outdoors every day.<sup>17</sup>

71. The source reported that, on 29 December 2023, in response to an appeal filed by pro-government Assembly members, the Plurinational Constitutional Court issued a constitutional ruling ordering the removal of Mr. Camacho from his position as Governor so that the current Deputy Governor, who is a member of the governing party, could take office.

## 2. Discussion

72. The Working Group thanks the source and the Government for their submissions.

73. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a *prima facie* case for breach of international laws constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.<sup>18</sup> Mere assertions by the Government that the national legal procedure has been followed are not sufficient to refute the source's allegations.<sup>19</sup>

74. Firstly, the Working Group notes that the Government has submitted information and a legal analysis setting out detailed explanations of the political background in the Plurinational State of Bolivia in order to justify Mr. Camacho's detention. The source has provided an analysis whose purpose is to cast doubt on the legitimacy of the measures taken by prosecutors and judges by citing a series of national laws.

75. In this regard, the Working Group recalls that it refrains from taking the place of the national judicial authorities or acting as a kind of supranational tribunal when it is urged to review the application of national law by the judiciary. Reassessing the sufficiency of the evidence or addressing errors of law allegedly committed by the domestic courts is beyond the scope of the Working Group's mandate.<sup>20</sup> In the discharge of its mandate, the Working Group refers to the relevant international standards set forth in the Universal Declaration of Human Rights and the relevant international instruments accepted by the States concerned, in particular the Covenant, and, when appropriate, any other relevant standards.<sup>21</sup>

### (a) Category I

76. The source has informed the Working Group that, on 28 December 2022, Mr. Camacho was intercepted by a group of more than 40 armed State agents in plain clothes while driving his vehicle in Santa Cruz de la Sierra. The agents did not show any police identification or arrest warrant, used extreme violence, fired shots to intimidate his security team, and detained him by holding a gun to his head. The agents also failed to inform Mr. Camacho of the reasons for his arrest. Mr. Camacho was subsequently hooded and transferred, first by helicopter to Chimoré, in Cochabamba, and then to El Alto, La Paz, in a military plane. Hours after his arrest, Mr. Camacho was forced to sign a paper acknowledging receipt of an arrest warrant while being transferred in a military helicopter.

77. The Government has exhaustively described the circumstances, elements and methods used to take Mr. Camacho prisoner. It has denied mistreating Mr. Camacho and making use of a hood and has explained that the operation carried out to arrest the defendant was necessary because he had a large team of trained security guards. The Government argues that Mr. Camacho was notified on two occasions of his obligation to appear before the Public

<sup>17</sup> See [https://eldeber.com.bo/santa-cruz/abogado-de-camacho-denuncia-violaciones-a-los-derechos-de-este-solo-tiene-acceso-a-una-hora-al-dia-d\\_341599/](https://eldeber.com.bo/santa-cruz/abogado-de-camacho-denuncia-violaciones-a-los-derechos-de-este-solo-tiene-acceso-a-una-hora-al-dia-d_341599/).

<sup>18</sup> [A/HRC/19/57](#), para. 68.

<sup>19</sup> *Ibid.*

<sup>20</sup> See opinion No. 40/2005.

<sup>21</sup> [A/HRC/36/38](#), para. 7.

Prosecution Service and the Office of the Anti-Corruption Prosecutor in La Paz to make statements relating to the internal unrest and serious destabilization in the Plurinational State of Bolivia. It claims that, on both occasions, Mr. Camacho stated that he would appear but did not do so on the days in question, justifying his absence on health grounds.

78. The Government claims that Mr. Camacho requested that the proceedings be carried out in Santa Cruz, which was accepted by the Government. However, the prosecutor who was to hear the statement received serious threats against his safety, so the Public Prosecution Service decided to suspend the hearing and issue an arrest warrant against Mr. Camacho, authorizing the police to detain him.

79. Since the Working Group's mandate is to examine whether the requirements established by international law for the arrest of Mr. Camacho were met, the Working Group notes that its analysis refrains from examining the circumstances and political and social background in the Plurinational State of Bolivia and that its opinion concerns only the circumstances of Mr. Camacho's arrest.

80. The Working Group notes with concern that, at the time of Mr. Camacho's arrest, he was not informed of his rights or of the legal charges against him, which would have set out the reasons for his arrest. In addition, as the source pointed out, the arrest warrant appeared later, retroactively dated 31 October 2022, and did not set out any grounds or reasoning.

81. Moreover, the Government repeatedly mentions in its response that, although Mr. Camacho was not mistreated during his detention, and the police acted in accordance with the procedural manual on respect for human rights, in view of the fact that he had a team of around 30 to 40 armed security personnel, all carrying weapons with legal permits and moving in six vehicles, a large contingent of police officers was mobilized to carry out the arrest procedure.

82. The Government reports that the police transferred Mr. Camacho in a military helicopter and that, upon landing in El Alto, La Paz, he was handed over to the Committee of Prosecutors, which became aware of the arrest. The Government also describes the medical care received by Mr. Camacho at all times.

83. In view of these circumstances, the Working Group wishes to point out that, pursuant to article 9 (1) of the Covenant, no one may be deprived of liberty except on such grounds and in accordance with such procedure as are established by law. In order for a deprivation of liberty to have a legal basis, it is not sufficient for there to be a national law authorizing the accused person's arrest. The authorities must invoke this legal basis and apply it to the circumstances of the case. That is typically done through an arrest warrant or arrest order, or an equivalent document.<sup>22</sup> In addition, article 9 (2) and (3) of the Covenant provides that anyone who is arrested must be informed, at the time of arrest, of the reasons for the arrest and must be promptly informed of any charges so that he or she may challenge them effectively. He or she must be brought before a court or judge in order to be able to seek a formal legal remedy.

84. The Working Group recalls that these assumptions are set out in principles 2 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which provide that procedures for carrying out legally authorized deprivation of liberty should also be established by law and States Parties should ensure compliance with them.<sup>23</sup> If these procedures are not respected, a detention is arbitrary and seriously undermines the ability to conduct a proper legal defence.

85. The Working Group points out that respect for these procedures is essential to the fulfilment of the other rights enshrined in article 9 of the Covenant. After examining the information provided by the source and the Government, the Working Group concludes that Mr. Camacho was arrested at the request of, and by, the Public Prosecution Service. The Government clearly states in its response that Mr. Camacho was taken away from his jurisdiction – that is, the city of Santa Cruz de la Sierra – and handed over to the Committee of Prosecutors in El Alto, La Paz, despite the fact that the Working Group has consistently

<sup>22</sup> Opinion No. 4/2023, para. 64.

<sup>23</sup> Human Rights Committee, general comment No. 35 (2014), para. 23.

stated in its jurisprudence that a prosecutorial body cannot be considered a judicial authority for the purposes of article 9 (3) of the Covenant.<sup>24</sup>

86. Any form of detention or imprisonment should be ordered by a judicial or other authority in keeping with the law or be subjected to the effective control of the judicial authority, the status and mandate of which should afford the strongest possible guarantees of competence, impartiality and independence in accordance with principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

87. The Working Group points out that, in the area of criminal law, when coercive measures are imposed, the right to defend oneself must be guaranteed during all phases of the proceedings. This requires equality of arms for both the prosecution and the person charged. In order to ensure this equality, the legal system must provide for a separation between the authority driving the investigation and the authorities in charge of the detention and ruling on the conditions of the pretrial detention. This separation is an essential requirement to prevent conditions of detention from being used to impair the effective exercise of the right to defend oneself, favour self-incrimination or allow pretrial detention to amount to a form of advance punishment.<sup>25</sup>

88. It is an established norm of international law that pretrial detention should be the exception, rather than the rule, and should be ordered for the shortest possible time. Article 9 (3) of the Covenant requires that the justification for pretrial detention be analysed in a reasoned judicial decision in every case. This provision also establishes that release may be subject to guarantees of appearance for trial, appearance at any other stage of the judicial proceedings and, should the occasion arise, appearance for execution of the judgment.

89. It follows that detention must be an exception made in the interests of justice. The provisions of article 9 (3) of the Covenant can be summarized as follows: (a) any detention should be exceptional and short-term, and (b) the accused person should be released if there are measures in place to guarantee that he or she will appear for trial and for execution of the judgment. If the period of pretrial detention is prolonged, this decision should be the result of a periodic review to determine whether detention remains reasonable and necessary in the light of possible alternatives.

90. The Working Group notes that Mr. Camacho has been held in pretrial detention for more than a year, and that this period continues to be extended, causing serious harm not only to his health but also to his ability to exercise his functions. The source states that a constitutional decision ordering Mr. Camacho's removal from office has been issued and that this decision has been challenged and contested in recent days by the President of the Legislative Assembly of Santa Cruz, given that the majority of the members of the Legislative Departmental Assembly of Santa Cruz support Governor Camacho and therefore refuse to comply with the decision.

91. Having analysed the seriousness of all these actions, the Working Group finds that Mr. Camacho's detention is arbitrary and falls within category I.

## **(b) Category II**

92. On the basis of an examination of the facts related by the Government and the source, the Working Group concludes that Mr. Camacho's detention is related to his participation in the protests, the state of unrest and the public uprising that took place in the Plurinational State of Bolivia against the re-election of the Government of President Morales.

93. The Government notes that Mr. Camacho presides over the Comité Cívico Pro Santa Cruz, which is supported by the Unión Juvenil Cruceñista; and that these organizations assumed the leadership of the strike called in 2019 by the Comité Nacional de Defensa de la Democracia.

<sup>24</sup> Ibid., para. 32; opinions No. 41/2020, para. 60; No. 6/2020, para. 47; No. 5/2020, para. 72; No. 14/2015, para. 28; and [A/HRC/45/16/Add.1](#), para. 35.

<sup>25</sup> [E/CN.4/2005/6](#), para. 79.

94. The source states that Mr. Camacho has been detained in response to the legitimate exercise of his freedoms of expression, peaceful assembly and association and the exercise of his public office as a democratically elected governor.

95. The Government has stated that Mr. Camacho even paid the police, making political pacts with a view to overthrowing the elected Government. The Government has stated that Mr. Camacho was directly involved in acts that led to several complaints being submitted to the Public Prosecution Service by citizens. A number of public institutions endorsed these complaints with a view to clarifying the facts and identifying and prosecuting the perpetrators. However, the Working Group notes that the Government itself refers to only one complaint leading to the initiation of the case against Mr. Camacho.

96. The Working Group stresses that everyone has the right to freedom of expression, which includes the right to impart information and ideas of all kinds, whether orally or in any other form.

97. The Working Group shares the view of the Human Rights Committee that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and constitute the cornerstone of a free and democratic society.<sup>26</sup> Both freedoms are the basis for the effective exercise of a wide range of human rights, such as the freedoms of assembly, association and the right to political participation, as set forth in articles 20 and 21 of the Universal Declaration of Human Rights and articles 21, 22 and 25 of the Covenant.<sup>27</sup>

98. The Government has provided extensive information on the harsh and painful events that took place in the Plurinational State of Bolivia and on the victims to which these events unfortunately gave rise. However, it has not identified the incriminating evidence that would prove beyond any doubt that these events were brought about by Mr. Camacho in the exercise of his rights as a citizen.

99. The Working Group recalls that every citizen has the right to participate in the conduct of public affairs; the right to vote and be elected; and the right to have access to public service. These aspects have been established in the Universal Declaration of Human Rights and are legally guaranteed and protected by article 25 of the Covenant, to which the Plurinational State of Bolivia is a party. In view of the gravity of all the facts described, the Working Group decides to refer the case to the Special Rapporteur on the rights to freedom of peaceful assembly and of association and to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression so that they may take the appropriate action.

100. The Working Group is of the view that, in the light of the information provided by the source and the Government, Mr. Camacho's detention constitutes a violation of articles 19, 21, 22 and 25 of the Covenant and articles 19–21 of the Universal Declaration of Human Rights and is therefore defined as arbitrary within category II.

**(c) Category III**

101. In view of the findings relating to category II, in which it was concluded that Mr. Camacho's detention is the result of the exercise of his human rights, the Working Group is of the view that there are no proportional grounds to justify his pretrial detention and subsequent trial. However, in view of the fact that these actions are taking place and that long prison sentences have been requested, and considering the source's allegations, the Working Group will proceed to analyse whether the fundamental elements that should characterize a fair, independent and impartial trial, as identified in category III by the Working Group, have been respected during the course of the judicial proceedings.

102. The Working Group reaffirms that the right to due process and to a fair and impartial trial is the basis of democracy and must be guaranteed to all persons in both civil and criminal cases. Legal institutions and the rule of law of the State are rooted in the effective protection of all human rights and in free and easy access to the administration of justice, which must be provided by competent, independent and impartial courts of law that guarantee the presumption of innocence, non-discrimination and equality before the law. The Human

<sup>26</sup> General comment No. 34 (2011), para. 2.

<sup>27</sup> Ibid., para. 4.

Rights Committee, which authoritatively interprets the meaning and application of article 14 of the Covenant on the right to a fair trial, establishes beyond doubt that the right to a public hearing by a competent, independent and impartial tribunal established by law is applicable to all legal proceedings and must be guaranteed and implemented in all States Parties to the Charter of the United Nations and the Covenant, regardless of their legal traditions and their domestic law.<sup>28</sup>

103. Article 11 (1) of the Universal Declaration of Human Rights, article 14 (2) of the Covenant and principle 36 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provide that all persons charged with a criminal offence must be presumed innocent until proved guilty according to law in a fair and public trial, for which they have received all the guarantees necessary for their defence. The presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle.

104. The Working Group maintains that it is a duty for all public authorities to refrain from prejudging the outcome of a trial, for example by abstaining from making public statements affirming the guilt of the accused.<sup>29</sup> For this reason, the media should avoid news coverage undermining the presumption of innocence. The Working Group notes that, according to the source, on 2 January 2023, the President of the Plurinational State of Bolivia, who was in Brazil, gave an interview to the *Folha de S. Paulo* newspaper in which he prejudged Mr. Camacho's guilt. Furthermore, on 22 January 2023, the Deputy Minister for Coordination and Governance stated that even if the civic committees marched every day, no judge would hold a hearing or grant an appeal in Mr. Camacho's favour.

105. Such statements undoubtedly affect the presumption of Mr. Camacho's innocence, particularly given the high authorities that are making them. They also violate the international provisions guaranteeing the presumption of innocence contained in the Covenant and the Universal Declaration of Human Rights, which have already been mentioned.

106. In addition to these statements, it may be noted that, according to the latest information received from the source, on 29 December 2023, in response to an appeal filed by pro-government Assembly members requesting that Mr. Camacho step down from his position, the Plurinational Constitutional Court issued a constitutional ruling ordering the removal of Mr. Camacho from his position as Governor and his replacement by the Deputy Governor, who, according to the source, is affiliated with the governing party.

107. The Working Group is alarmed to note that the reason given by this high court is that Mr. Camacho is absent from his functions, when it is public knowledge that he is being held in pretrial detention by the same Government that is condemning him for being absent. The Working Group considers that this pretrial detention is not in compliance with international law, for the reasons set out below. In the Working Group's view, this decision violates the separation of powers, which is a necessary condition for ensuring respect for the right to a fair trial enshrined in article 10 of the Universal Declaration of Human Rights and article 14 of the Covenant. Both the notion of the separation of powers between the political organs of Government and the judiciary, and the importance of safeguarding the independence of the judiciary, are fundamental expressions of a democratic State and guarantee absolute respect for the rights of all accused persons.

108. The Working Group shares the view of the Human Rights Committee that States should take specific measures to ensure the independence of the judiciary and to protect judges from any form of political influence either under the Constitution or by means of the adoption of other laws. A situation where the functions and competencies of the judiciary

<sup>28</sup> General comment No. 32 (2007).

<sup>29</sup> [A/HRC/19/57](#), paras. 48–58.

and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal.<sup>30</sup>

109. In view of these considerations, the Working Group considers that Mr. Camacho's right to be tried by a competent and impartial tribunal, as recognized in article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant, was disregarded.

110. In the light of the above, the Working Group is persuaded that Mr. Camacho's detention is arbitrary and falls within category III.

111. In addition, and considering the seriousness of the violations committed against Mr. Camacho's rights, the Working Group decides to refer this case to the Special Rapporteur on the independence of judges and lawyers, so that she may take any steps that she deems necessary.

**(d) Category V**

112. Having carefully examined the file submitted, the source's submissions and the Government's response, and having analysed the manner in which the present judicial proceedings were conducted, the Working Group has come to the conclusion that Mr. Camacho's detention is arbitrary in that the principle of the equality of human beings was violated because the detention was motivated by his political opinions as a leader. The Working Group considers deprivation of liberty to be arbitrary when it is intended to punish members of political groups as a means of silencing their demands, in violation of articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 and 26 of the Covenant, rendering the detention arbitrary under category V.

**3. Disposition**

113. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Luis Fernando Camacho is arbitrary, as it contravenes articles 2, 7, 9–11 and 19–21 of the Universal Declaration of Human Rights and articles 9, 14, 19, 22 and 25 of the International Covenant on Civil and Political Rights, and falls within categories I, II, III and V.

114. The Working Group requests the Government of the Plurinational State of Bolivia to take the steps necessary to remedy the situation of Mr. Camacho without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

115. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Camacho immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

116. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Camacho and to take appropriate measures against those responsible for the violation of his rights.

117. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the independence of judges and lawyers for appropriate action.

118. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

<sup>30</sup> General Comment No. 32 (2007), para. 19.

#### 4. Follow-up procedure

119. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Mr. Camacho has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Camacho;
- (c) Whether an investigation has been conducted into the violation of Mr. Camacho's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Plurinational State of Bolivia with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

120. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

121. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

122. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>31</sup>

*[Adopted on 11 November 2024]*

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<sup>31</sup> Human Rights Council resolution 51/8, paras. 6 and 9.