

**TECNICAL INFORMATION SHEET**  
**PETITION 269-05 MIGUEL ÁNGEL MONCADA OSORIO AND JAMES DAVID ROCHA TERRAZA**  
**FRIENDLY SETTLEMENT REPORT Nº 82/07**  
**FULL COMPLIANCE**  
**(BOLIVIA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Miguel Ángel Moncada Osorio and James David Rocha Terraza  
**Petitioner (s):** Public Defender of the Republic of Bolivia  
**State:** Bolivia  
**Friendly Settlement Agreement Report No.:** [82/07](#), published on October 15, 2007  
**Related Rapporteurship:** N/A  
**Topics:** Judicial Guarantees/Judicial Protection/Political Rights

**Facts:** On March 14, 2005, the IACHR received a petition in which the petitioner alleged the international responsibility of the State for violation of the alleged victims' rights to a fair trial, and of having access, under general conditions of equality, to the government functions of their country and of the right to judicial protection, established in Articles 8, 23, and 25 of the American Convention on Human Rights due to non-compliance with an constitutional protection petition [Writ of Amparo] or constitutional remedy of protection issued in their favor by the Superior Court of Justice of La Paz.

**Rights Alleged:** The petitioner alleged that the State was responsible for violation of the rights established in Articles 8 (right to a fair trial), 23 (right to participate in government) and 25 (right to judicial protection) of the American Convention on Human Rights; and XIV of the American Declaration of the Rights and Duties of Man.

**II. PROCEDURAL ACTIVITY**

1. On June 8, 2007, the parties signed a friendly settlement agreement wherein they agreed to reach a friendly settlement.
2. On October 15, 2007, the Commission approved the agreement signed by the parties in Report No. 85/07.

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

Agreement Clause	Status of Compliance
<b>THIRD. COMMITMENTS OF THE PARTIES -</b>	
<b>1. COMMITMENTS OF THE BOLIVIAN STATE.-</b>	

<p>The Bolivian State commits itself in good faith, and within the time limits indicated, to comply strictly with the following commitments:</p> <p>a. To pay to James David Rocha Terraza the sum of Bs. 55,392.12 (FIFTY FIVE THOUSAND THREE HUNDRED AND NINETY TWO 12/00 BOLIVIANOS) corresponding to pay accrued for fiscal year 2004 according to the Memorandum Stating Accrued Remuneration signed on January 12, 2006, by the interested party and the Ministry of Services and Public Works (today the Ministry of Public Works, Services and Housing). This payment shall be made in three installments, in the months of June, July and August 2007, by the 15th day of each month. From this amount, equivalent to B. 55,392.12, James David Rocha Terraza authorizes the Ministry of Public Works, Services and Housing to withhold the amount of B. 6,750 (SIX THOUSAND SEVEN HUNDRED AND FIFTY 00/100), representing the salary he received between June 16 and July 31, 2005 for services provided to the National Fund for Regional Development. That sum of B. 6,750 will be withheld from the third installment, corresponding to the month of August 2007. Subsequently, the Ministry of Public Works, Services and Housing will transfer this amount of B. 6,750 to the National Fund for Regional Development, and will deliver a legalized receipt for that amount to Mr. James David Rocha Terraza and to the Ministry of Foreign Relations and Worship.</p>	<b>Total<sup>1</sup></b>
<p>b. To pay to Miguel Angel Moncada Osorio the sum of B. 64,761.90 (SIXTY FOUR THOUSAND SEVEN HUNDRED AND SIXTY ONE 90/100 BOLIVIANOS) corresponding to pay accrued for fiscal year 2004 according to the Memorandum Stating Accrued Remuneration signed on January 12, 2006 by the interested party and the Ministry of Services and Public Works (today the Ministry of Public Works, Services and Housing). This payment shall be made in three installments, in the months of June, July and August 2007, by the 15th day of each month.</p>	<b>Total<sup>2</sup></b>
<p>c. Upon signature of this consent agreement, the Bolivian State will communicate to the IACHR, through the Ministry of Foreign Relations and Worship, to the effect that petition P-269-05 <i>Miguel Angel Moncada and James Rocha versus Bolivia</i> has entered the friendly settlement procedure governed by Article 41 of the IACHR's Rules of Procedure. That communication shall be given within three days after signature of this document.</p>	<b>Total<sup>3</sup></b>
<p>d. Once the commitments of both parties have been totally fulfilled, the Bolivian State will ask the IACHR, through the Ministry of Foreign Relations and Worship, to issue a Friendly Settlement Report, pursuant to Article 49 of the American Convention on Human Rights, in order to close the processing of petition P-269-05 <i>Miguel Angel Moncada and James Rocha versus Bolivia</i>.</p>	<b>Total<sup>4</sup></b>

<sup>1</sup> See IACHR, Report No. 82/07, Petition No. 269-05, Friendly Settlement, Miguel Ángel Moncada Osorio and James David Rocha Terraza, Bolivia, October 15, 2007.

<sup>2</sup> See IACHR, Report No. 82/07, Petition No. 269-05, Friendly Settlement, Miguel Ángel Moncada Osorio and James David Rocha Terraza, Bolivia, October 15, 2007.

<sup>3</sup> See IACHR, Report No. 82/07, Petition No. 269-05, Friendly Settlement, Miguel Ángel Moncada Osorio and James David Rocha Terraza, Bolivia, October 15, 2007.

<sup>4</sup> See IACHR, Report No. 82/07, Petition No. 269-05, Friendly Settlement, Miguel Ángel Moncada Osorio and James David Rocha Terraza, Bolivia, October 15, 2007.

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

3. The Commission declared full compliance with the case in Friendly Settlement Report No. 82/07, dated October 15, 2007.

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

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

- The State made the payment of accrued wages to the petitioners for the fiscal year 2004.