

OEA/Ser.L/V/II
Doc. 121
19 July 2025
Original: Spanish

REPORT No. 115/25

CASE 13.139

REPORT ON FRIENDLY SETTLEMENT

JAVIER CHARQUE CHOQUE
BOLIVIA

Approved electronically by the Commission on July 19, 2025.

Cite as: IACHR, Report No. 115/25, Case 13.139, Friendly Settlement, Javier Charque Choque, Bolivia, July 19, 2025.

REPORT No. 115/25
CASE 13.139
FRIENDLY SETTLEMENT
JAVIER CHARQUE CHOQUE
BOLIVIA
JULY 19, 2025

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On January 18, 2008, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition submitted by Mr. Martín Charque Choque (hereinafter “the petitioning party” or “the petitioner”), alleging the international responsibility of the Plurinational State of Bolivia (hereinafter the “State” or “Bolivian State” or “Bolivia”) for the violation of the human rights established in Articles 4 (life) and 5 (humane treatment) of the American Convention on Human Rights (hereinafter the “Convention” or “American Convention”), for the murder of the student Javier Charque Choque (hereinafter the “alleged victim”) on December 30, 2006. The petitioner reported that the alleged victim’s death was the result of an act authorized by the Jilanko, the native indigenous authority of the Villa Arbolitos community, as well as from the unjustified delay in the investigation. The petitioner further reported that other lynchings carried out under the so-called “community justice” system had been reported in the country with no effective response from the authorities.

2. On May 25, 2017, the Commission issued Admissibility Report No. 46/17, in which it declared the petition admissible and its competence to hear the claim submitted by the petitioning party regarding the alleged violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), 8 (fair trial), and 25 (judicial protection) of the American Convention on Human Rights, in conjunction with Article 1.1 thereof.

3. On June 13, 2019, the parties initiated a friendly settlement process, which led to the signing of a friendly settlement agreement (hereinafter “FSA” or the “agreement”) on August 20, 2024. Subsequently, on January 14, 2025, the State submitted a report giving an account of the progress made on implementation of the FSA and requested the Commission to grant the corresponding approval. In turn, on January 25, 2025, the petitioner requested the corresponding approval from the Commission.

4. Pursuant to Article 49 of the Convention and Article 40(5) of the Rules of Procedure of the Commission, this friendly settlement report summarizes the facts alleged in the petition and transcribes the friendly settlement agreement signed on August 20, 2024, by the petitioner and representatives of the Bolivian State. In this report, the agreement signed by the parties is approved, and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

5. The petitioner alleged that Javier Charque Choque was studying towards a degree in tourism and on December 29, 2006, while working on a research project on Indigenous communities in northern Potosí Department, he attended a marriage ceremony in one of the communities in Llallagua. The petitioner stated that during the ceremony, an argument involving approximately six members of the Villa Arbolitos community broke out over a misunderstanding, and these individuals began to physically assault the alleged victim. Although Javier Charque Choque tried to escape, he was caught and brought, seriously injured, before the Jilanko (or Jilanqu), the community’s indigenous authority. The petitioner alleged that the Jilanko authorized further torture of the alleged victim in an act of “community justice.” After several hours of agony, the alleged victim died in the early hours of December 30, 2006. The petitioner indicated that on January 11, 2007, the alleged victim’s mother went out to look for him in the community since she had not heard from him. There, a female member of the community told her that her son had been murdered. Eventually, on January 13, 2007, the authorities found his body buried face down in a small grave, with his hands and feet tied and a rope around his neck.

6. The petitioner explained that he filed a report for homicide before the Public Prosecutor's Office and the police in Llallagua on January 13, 2007, and that on January 16, 2007, he filed a criminal complaint against the Jilanko and four other people, as joint perpetrators and accomplices to the murder. On February 28, 2007, a hearing to establish precautionary measures was held at the First Mixed and Precautionary Magistrate Court in Llallagua, and it was ruled that the Jilanko be remanded in custody. However, according to the petitioner, after the hearing, a group of armed campesino leaders and community members occupied the court building, allowing the Jilanko to escape and allegedly take refuge with the FAOI-NP (Federation of Native and Indigenous Ayllus of Northern Potosí). Likewise, another group of Villa Arbolitos community members held the prosecutor hostage for two hours, during which they hit him and demanded that he resign and close the case. The petitioner added that the investigation has been on hold since then and that the Jilanko's whereabouts are publicly known, that they still live in the Llallagua community, have been seen walking around freely, and even went to vote using their registered voter address.

7. The petitioner mentioned that crimes are committed in Bolivia under the pretense of "community justice," and that the Villa Arbolitos community itself contended that the acts that took place fall within the community justice framework. Along these lines, the petitioner noted that the Council of Indigenous Authorities of the Ayllus in Rafael Bustillo province in the department of Potosí passed a resolution on March 2, 2007, which was signed by, among others, the Jilanko, who was allegedly on the run. The resolution states that the community members, "based on the event that took place in accordance with the customs and traditions of the Villa Arbolito community, [...] set a final 30-day deadline for Prosecutor Vladimir Lazcano to file his resignation, for discriminating against us for belonging to Indigenous Peoples." As per the petition, according to the community members, the prosecutor had abused his authority in ordering the arrest of the Indigenous authority. The petitioner further alleged that there are many cases around the country in which, under the pretense of serving "community justice," community members have lynched and tortured alleged attackers and thieves. The petitioner provided a list of 44 alleged lynchings that took place in various indigenous and campesino communities between 2005 and 2009, and noted that the authorities have failed to adequately respond to them.

8. The petitioner stated that the investigation is unjustifiably delayed and has been at a standstill for 10 years. He further noted that the Office of the Prosecutor General had been negligent in processing the case, as important proceedings were not held because the police officers in charge of the investigation have received threats and are afraid. In this respect, he explained that the police officers did not request statements from the alleged victim's family because they had deemed them unnecessary, and that, after receiving threats from the Villa Arbolitos community members, they did not reconstruct the events, although they did go all the way to Llallagua. Further, the petitioner stated that a request that he had filed with the First Mixed and Precautionary Magistrate Court in Llallagua on March 2, 2007, remained pending as of the date on which he submitted the petition. This request asked the Court to formally charge four additional people, alleged joint perpetrators of the murder. The petitioner mentioned that, although on May 8, 2007, the Court had ordered the publication of legal notices that expanded the formal charges to these four individuals, they have not yet been declared in default, and the petitioner warned that consequently the statute of limitations on the criminal prosecutions had lapsed.

III. FRIENDLY SETTLEMENT

9. On August 20, 2024, in the city of El Alto in the department of La Paz, the parties signed a friendly settlement agreement, which reads as follows:

FRIENDLY SETTLEMENT AGREEMENT CASE 13.139 "JAVIER CHARQUE CHOQUE"

On August 20, 2024, in the city of El Alto in the department of La Paz, the following parties met at the facilities of this Office of the Attorney General of the State:

On the one hand, Mr. Martín Charque Choque with identity card [...], as petitioner in the Case 13.139 "Javier Charque Choque" before the Inter-American Commission on Human Rights ("**the Commission**"), hereinafter and for the purposes of this agreement, known as the **petitioner**;

On the other hand, the Office of the Attorney General of the State, represented by Mr. César Adalid Siles Bazán, pursuant to Article 1 of Presidential Decree 5010 of September 6, 2023, and as set forth in Article 11(I) of Law 064 of December 5, 2010, of the Office of the Attorney General of the State. This authority, in use of the powers and duties set forth in Article 18(1) of the aforementioned law, agrees to represent the Bolivian State and accepts technical and legal responsibility for its conciliatory actions, and is therefore hereinafter and for the purposes of this agreement called the “**State.**”

The State and the Petitioner hereby agree as follows:

I. BACKGROUND

1. On December 29, 2006, Javier Charque Choque (deceased), who was studying towards a degree in tourism at the Royal and Pontifical Higher University of San Francisco Xavier of Chuquisaca, attended a marriage ceremony in the community of Villa Arbolitos for a research project he was doing on indigenous communities in northern Potosí Department.

2. At the event, a misunderstanding arose and led to an argument with approximately six members of the community, who physically assaulted him. Although Javier Charque Choque tried to flee from the attackers, they caught up to him and brought him before the Jilanko, the community’s authority figure. The Jilanko authorized further torture and as a result of these attacks, the victim died early in the morning of December 30, 2006.

3. In Report No. 46/2017, approved on May 25, 2017, the Commission declared Petition 69-08 admissible with regard to Articles 4, 5, 8, and 25 of the American Convention on Human Rights (the “American Convention”), in connection with Article 1.1 thereof.

4. Following upon the State’s expression of interest and recognition of the violations committed in this case, as well as the Petitioner’s expression of interest, on July 30, 2019, the Inter-American Commission on Human Rights began a dialogue process geared towards exploring the possibility of a friendly settlement to the case in question.

5. During this process, the parties, in a constructive dialogue, identified the issues that require special attention to effectively remedy the human rights violations; accordingly, they furthered the friendly settlement procedure that culminated with this friendly settlement agreement.

6. Upon completion of the friendly settlement procedure provided for in Article 15 of the Rules of Procedure of the State Council on Friendly Settlements in the Area of Human Rights (**CESADH**), approved in Supreme Decree 3458 of January 17, 2018, by Resolution 002/2024 of August 9, 2024, the members of the CESADH decided to: **“RECOMMEND that the Office of the Attorney General of the State sign the friendly settlement agreement with the petitioning party in Case 13.139 “Javier Charque Choque,” based on reports ST-CESADH 04/2021-2022, dated September 21, 2022; ST-CESADH 04/2022-2023, dated February 1, 2023; ST-CESADH 07/2022-2023 of June 1, 2023; ST-CESADH 09/2022-2023 of August 17, 2023; and ST-CESADH 002/2024 of April 24, 2024, issued by the Technical Secretariat.”**

II. ACKNOWLEDGMENT OF INTERNATIONAL RESPONSIBILITY

7. The State recognizes that there were facts that violated the rights to life and personal integrity of Javier Charque Choque; therefore, pursuant to Article 15(I) of the Political Constitution of the State and Articles 4, 5, 8, and 25 of the American Convention, it accepts its international responsibility for the facts established in the Admissibility Report No. 46/17 of May 25, 2017, issued by the IACHR in the present case.

III. MEASURE OF SATISFACTION

8. In line with the State’s recognition of its international responsibility and as a result of the friendly settlement procedure carried out in Case 13.139 “Javier Charque Choque,” the State and the Petitioner agree to the following:

a. Restoration of honor and dignity

9. As a measure to restore the honor and dignity of Javier Charque Choque (deceased), the Plurinational State of Bolivia will hold a private event to acknowledge its international responsibility; subsequently, the friendly settlement agreement, except for Annex 1, shall be published in the official websites of the Office of the Attorney General of the State for a period of one (1) year, computable from the date its publication.

IV. DUTY TO INVESTIGATE

10. As a measure of justice, the State, via the relevant institutions, pursuant to domestic law and within its powers, commits to continuing to investigate, prosecute, and punish, where applicable, the person or persons determined to be responsible for the acts that ended Javier Charque Choque's life, in full respect and enforcement of national law and in strict compliance with the standards and principles established in the applicable international human rights instruments.

11. The State will report the progress made on the criminal proceedings to the IACHR and the Petitioner on an annual basis for two (2) years; and undertakes to move forward with the proceedings through the Office of the Prosecutor General, as per the deadlines established in the Code of Criminal Procedure, to ensure the procedure is conducted expeditiously. The Parties will consider the measure to have been fulfilled when the State submits the reports agreed upon in this paragraph.

V. MONETARY REPARATION

12. Pursuant to Article 113(I) of the Political Constitution of the State, the Office of the Attorney General of the State, in legal representation of the Plurinational State of Bolivia, will make a one-time payment as compensatory damages in favor of the mother of the deceased Javier Charque Choque, for the damages caused as a result of the human rights violations.

13. The amount of this payment is defined in Annex 1, which is an integral part of this friendly settlement agreement; which shall be paid in three installments in the months of September, October, and November of the current year.

14. Lastly, the Parties will request the IACHR to keep the amount to be paid in compliance with the obligation established in this section as confidential, and therefore the amount will not be published upon official approval of this agreement.

VI. NOTIFICATION TO THE IACHR

15. Once the State has effectively recognized its international responsibility and paid the applicable compensation, within one (1) month the Parties will ask the IACHR to adopt the report established in Article 49 of the American Convention.

16. In the event of non-compliance with the measures set forth in the preceding paragraph concerning the recognition of the responsibility of the State and the payment of reparations, the Petitioner may request the IACHR to continue with the processing of the case.

VII. AGREEMENT

17. Having read and ratified the terms of this friendly settlement agreement, the State and the Petitioner each affix their signatures below as a sign of agreement in four (4) copies with similar content, in the city of El Alto, Bolivia, on August 20, 2024.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

10. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention." The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta*

sunt servanda, by which States must comply with the obligations assumed in the treaties in good faith.¹ It also wishes to highlight that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

11. The Inter-American Commission has closely followed the development of the friendly settlement reached in this case and appreciates the efforts made by both parties during negotiation of the agreement to arrive at this friendly settlement, which is compatible with the Convention's purpose and aim.

12. As established in the sixth clause of the friendly settlement agreement, the parties agreed that, once the acknowledgment of international responsibility and the payment of monetary reparation by the State had been made, the parties would request the Commission to issue the approval report established in Article 49 of the American Convention. Accordingly, and by virtue of the request of the State and petitioner, dated January 14 and 25, 2025, respectively, to move forward in this way, it is appropriate at this time to assess compliance with the commitments established in the friendly settlement agreement.

13. The Inter-American Commission notes that the first (Background), second (Acknowledgment of Responsibility), sixth (Notification to the IACHR), and seventh (Agreement) clauses of the agreement are of a declaratory nature, thus no supervision of compliance is required.

14. The Commission appreciates the second declaratory clause, in which the Plurinational State of Bolivia acknowledges the events that violated the rights to life and to personal integrity of Javier Charque Choque; and accordingly, pursuant to Article 15(I) of the Political Constitution of the State and Articles 4, 5, 8, and 25 of the American Convention, recognizes its international responsibility for the events set out in Admissibility Report No. 46/17 of May 25, 2017, issued by the IACHR in the present case.

15. With regard to subparagraph a) of the third clause of the friendly settlement agreement related to the restoration of honor and dignity, the State and petitioning party reported, in communications on October 10 and November 13 of 2024, respectively, that the private ceremony for recognition of the international responsibility of the State took place on October 9, 2024. The Commission received the agenda agreed for the holding of this event, which included a protocolary installation and opening remarks, the acknowledgment of international responsibility of the State by the Attorney General of the State, words from the petitioner and from Commissioner José Luis Caballero Ochoa, IACHR Rapporteur for Bolivia, with which the ceremony was adjourned.

16. The State also provided a recording of the event, and on January 14, 2025, confirmed that the FSA had been published on the website of the Office of the Attorney General of the State website on November 7, 2024.² In connection, the Commission observes that pursuant to the terms established in the FSA, the publication must be available for a period of one year. Therefore, taking into account the information available, the Commission understands, and hereby declares, that with respect with this aspect of the agreement a substantial level of partial compliance has been reached. Consequently, the Commission will await the deadline agreed between the parties to verify full compliance with this clause of the agreement.

17. On the other hand, regarding the fourth clause of the friendly settlement agreement on the duty to investigate, on October 10, 2024, the State reported that, on September 24, 2024, it had informed the Office of the Public Prosecutor about the signing of the FSA, in order to channel information related to the progress of investigations carried out within the framework of criminal proceedings.

18. On May 28, 2025, the petitioner reported that, in an incidental hearing held on April 30, 2025, it was decided to annul the interlocutory order dated October 25, 2024, and, consequently, to dismiss the criminal action due to the statute of limitations for two of the defendants, expressing concern in this regard. At

¹ Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1,969), Article 26: "**Pacta sunt servanda**" *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

² See Office of the Inspector General of the State website, available at: <https://www.procuraduria.gob.bo/ckfinder/userfiles/files/PGE-WEB/Asa/ASACaso13139.pdf>. Last accessed on March 10, 2025.

the same time, on June 25, 2025, the petitioner reiterated their willingness to move forward with the homologation. Both communications were forwarded to the State for its information.

19. Consequently, and in light of the parties' request to proceed with the approval of the Friendly Settlement Agreement (FSA) prior to the implementation of this measure, the Commission notes that the fourth clause of the agreement remains pending compliance. Therefore, the Commission will await updated information from the parties during the follow-up stage of the friendly settlement agreement, particularly the State's response regarding the alleged statute of limitations of the criminal action against the two referenced defendants.

20. With regard to the fifth clause pertaining the monetary reparation, on October 10, 2024, the State reported that Supreme Decree 5239 had been approved on October 2, 2024, with a view to execute the single compensatory payment for Juana Choque Lillea, Javier Charque Choque's mother, for the harm resulting from the human rights violation, as pledged in the friendly settlement agreement. Subsequently, on January 14, 2025, the State provided evidence of payment of the agreed-upon compensation, and on January 18, 2025, the petitioner confirmed receipt of the deposited funds. The Commission therefore considers, and hereby declares, this clause to have been met with total compliance.

21. As noted, the Commission considers, and hereby declares, the fifth clause (Monetary Reparation) to have been met with total compliance. At the same time, the Commission indicates, and hereby declares, that subparagraph a (Restoration of honor and dignity) of the third clause (Measure of Satisfaction) has reached a substantial level of partial compliance. Lastly, the Commission considers, and hereby declares, that compliance with the fourth clause (Duty to Investigate) of the friendly settlement agreement is still pending.

22. The Commission further reiterates that the rest of the friendly settlement agreement is of declarative nature and therefore does not require monitoring. Consequently, the Commission notes that the friendly settlement agreement has a substantial level of partial compliance and will continue to monitor implementation of the aforementioned clauses until they are fully implemented.

V. CONCLUSIONS

23. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

24. Based on the reasons and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES TO:

1. To approve the terms of the agreement signed by the parties on August 20, 2024;
2. To declare full compliance with the fifth clause (Monetary Reparation) of the friendly settlement agreement, based on the analysis contained in this report;
3. To declare substantial level of partial compliance with subparagraph a (Restoration of honor and dignity) of the third clause (Measure of Satisfaction) of the friendly settlement agreement, according to the analysis contained in this report;
4. To declare that compliance with the fourth clause (Duty to Investigate) of the friendly settlement agreement is still pending, according to the analysis contained in this report;

5. To continue to monitor the commitments undertaken in subparagraph a (Restoration of honor and dignity) of the third clause (Measure of Satisfaction) and the fourth clause (Duty to Investigate) of the friendly settlement agreement, according to the analysis contained in this report. To this end, remind the parties of their commitment to report periodically to the IACHR on its compliance;

6. To publish this report and to include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on the 19th day of the month of July, 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Arif Bulkan, Second Vice President, Edgar Stuardo Ralón Orellana, Gloria Monique de Mees, Carlos Bernal Pulido, and Roberta Clarke, Commissioners.