

Bolivia

Bolivia's deep political, ethnic, and regional divisions and the fragility of its democratic institutions contribute to a precarious human rights situation. Almost two-thirds of the population lives below the national poverty line, and over a third—mostly indigenous peoples—lives in extreme poverty.

Since his landslide electoral victory in December 2005, President Evo Morales has sought to introduce a new constitution and other far-reaching reforms. The reform process has contributed to dramatic political polarization within the country, which has led to numerous episodes of political violence. The government's supporters and its opponents, as well as the police and military, have been accused of killings during violent clashes between rival demonstrators. Investigations into these unlawful killings are often politicized and generally fail to establish criminal responsibility. Despite judicial rulings that civilian courts should have jurisdiction, military courts usually investigate alleged abuses by army troops, further contributing to impunity.

Although Bolivia enjoys diverse media and a vibrant public debate, political polarization has brought violent attacks on journalists and media outlets by both pro-government and opposition demonstrators.

Political Violence, Accountability, and Impunity

Since 2006 there have been deep disagreements over procedures to approve a new draft constitution, and over demands for autonomy by five lowland departments. In August 2008, 67 percent of Bolivians voted in a recall referendum that Morales should remain as president, while prefects were ratified in four of the five opposition-dominated departments (there was no vote in the fifth as the prefect had assumed office recently). The tense standoff between Morales's largely indigenous supporters and the departmental prefects and their supporters in the breakaway

departments led to violent clashes in 2007 and 2008 in the cities of Santa Cruz, Sucre, Tarija, and Cobija, with deaths and injuries on both sides.

Responsible officials, such as departmental prefects, failed to take firm action to curb the violence committed by their supporters in 2008. In an incident in Sucre in May, students and townspeople who had surrounded the city stadium to prevent Morales from addressing his supporters threw stones, firecrackers, and dynamite to force back police and troops who were trying to secure the area. The soldiers fled in disarray, many on foot, after using up their supplies of tear gas. The protesters captured about 18 of Morales's peasant supporters, reportedly punching, kicking, and racially insulting them, and then marched them to the city square where, according to accounts, they made them strip to the waist, kneel, and burn their red (pro-Morales) ponchos.

The most serious outbreak of political violence involved a massacre of pro-Morales protesters by regional government supporters in September 2008 at the town of Porvenir, Pando department. Hundreds of indigenous peasants travelling in trucks for a demonstration in Cobija, Pando's capital, met roadblocks near Porvenir, and in violent clashes a departmental government employee and a supporter were killed. Continuing into Porvenir, the demonstrators took hostages, some of whom they beat, but they released them to police. Armed supporters of the departmental government then reportedly opened fire indiscriminately on the demonstrators, most of whom fled the town. Sixteen demonstrators were killed in Porvenir and during the ensuing chase. Some of the dozens of wounded were allegedly beaten while being taken in ambulances to hospital.

Due to the police and armed forces' failure to stop the violence, the government declared a state of siege to restore order in the department. Later, the prefect of Pando, Leopoldo Fernández, was arrested on government orders under emergency powers. As of October 2008 he was in detention facing charges of terrorism, murder, and criminal association for his alleged responsibility for the Pando killings. A multiparty congressional committee was investigating the incidents in parallel with prosecutors from the Attorney General's Office.

As of October 2008, nine shooting deaths had been attributed to the army or police in the context of crowd control since 2004. To our knowledge, no member of the armed forces has yet been convicted of an unlawful killing during law enforcement operations. Prosecutorial investigations into shootings by the army are obstructed by military courts, which insist on investigating these cases despite rulings of the Constitutional Court in favor of civilian jurisdiction. The military typically refuse to cooperate with investigations conducted by civilian prosecutors. By contrast, on more than one occasion government ministers, prefects, or top police officials have been charged with serious crimes like genocide or terrorism without prosecutors having previously identified and charged those materially responsible for shootings. In November 2007, for example, two civilians died from gunshot wounds, and a third civilian died after being hit by a tear gas shell, after students and townspeople armed with stones and firebombs confronted police and army troops in Sucre. Ballistic findings suggested that the shots were fired from guns similar to those in police use. As of October 2008, prosecutors had not identified or charged any police for the shootings, even though the attorney general had initiated impeachment proceedings for genocide against the minister of the interior and three senior police officials.

Bolivian courts still seek to establish criminal responsibility for the killing of more than 60 people in anti-government protests in September and October 2003, when the army used lethal force to quell violent protests in the highland city of El Alto. Former President Gonzalo Sánchez de Lozada resigned and left the country following the events, known in Bolivia as “Black October.” In October 2007 the attorney general accused Sánchez de Lozada, 11 of his ministers, and five former military chiefs of genocide and torture in connection with the army’s actions. The former president, his defense minister Carlos Sánchez Berzaín, and the former energy minister Jorge Berinduague currently reside in the United States, where Sánchez Berzaín has obtained political asylum. In November 2008 Bolivia formally requested that the US extradite the three men to face trial in Bolivia. Sánchez de Lozada and Sánchez Berzaín also face a civil lawsuit in the US for damages under the Alien Tort Claims Act and the Torture Victim Protection Act, alleging their responsibility for 10 of the Black October deaths.

Freedom of Expression

Bolivia enjoys a vibrant public debate with a variety of critical and pro-government media outlets. As political polarization has deepened, many among the media have openly taken sides. Morales often lambasts the private media for backing the opposition agenda. Government supporters sometimes physically attack journalists working for critical outlets. There have also been attacks by opposition demonstrators against state and community radio outlets and reporters working for them.

The inclusion of a norm in the draft constitution requiring that information and opinions disseminated by the media “respect the principles of truthfulness and responsibility” could lead to arbitrary restrictions of press freedom if enacted in law.

Human Rights Defenders

Supporters of regional autonomy in Santa Cruz have firebombed and ransacked offices of nongovernmental organizations defending land rights of indigenous and peasant communities. In September 2008 pro-autonomy demonstrators allegedly belonging to the Santa Cruz Youth Union broke into the office of the Center for Legal Studies and Social Research (CEJIS). The attackers smashed and set fire to furniture and documents.

Key International Actors

A United States Agency for International Development (USAID)-funded justice center in the Chapare region played a key role in investigating rights abuses during protests against US-backed eradication of coca plantations. The justice center carried out autopsies and collected valuable testimony about the circumstances of deaths in clashes between coca growers and antinarcotics police. The number of police abuses has declined significantly since the Morales government adopted a voluntary eradication policy in 2006. While there were 35 deaths from 1997 to 2003, since 2006 there have been only two, according to the Andean Information Network, an NGO which monitors US antinarcotics policy in Bolivia. In June 2008, amid mounting Bolivian criticism of USAID’s activities in Bolivia, municipal authorities and coca growers’ unions announced that USAID’s programs in the Chapare would not be

renewed. However, the justice center was still operating in October 2008, providing legal services to communities with very limited access to justice.

The Union of South American Nations (UNASUR), which was established in May 2008, helped to promote accountability following the violence in Pando. At a meeting convened by Chilean President Bachelet to discuss the Bolivian crisis, UNASUR heads of state decided to form a multinational commission to investigate the killings and” disappearances.” The commission began its investigation in Pando department in late September. In a newspaper interview published in November 2008, prior to the release of the commission’s findings, its president, Rodolfo Mattarollo, described the killings as a “planned massacre.”

In 2008 the United Nations High Commissioner for Human Rights established an office in Bolivia to strengthen human rights protection. Its mandate includes assisting the Attorney General’s Office to improve the criminal prosecution system.