

BOLIVIA UNDER PRESSURE

Human Rights Violations and Coca Eradication

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This report is published by Human Rights Watch/Americas as part of Human Rights Watch's special initiative to examine the impact on human rights internationally of counternarcotic programs and policies. We take no position on the merits of antidrug objectives. But those objectives — like all national and international goals — must be pursued within the framework of internationally recognized human rights.

I. SUMMARY AND RECOMMENDATIONS

In 1995, under strong pressure from the United States, the Bolivian government began an aggressive coca eradication effort that was strongly resisted by coca growers. Periods of negotiation alternated with outbursts of violence in the Chapare, the sub-tropical region in which thousands of poor farmers produce most of the Bolivian coca that is destined for the illegal cocaine market. In its efforts to quell their opposition to eradication and to meet its eradication goals, the Bolivian government has engaged in serious human rights abuses such as excessive use of force, arbitrary detention, and the suppression of peaceful demonstrations. The primary agents of this abuse are troops of the Mobil Rural Patrol Unit (Unidad Móvil de Patrullaje Rural, UMOPAR), the rural antinarcotics police controlled by the Ministry of Government.

Recent initiatives by the Bolivian government — including the formation of a human rights office in the Chapare and reforms to anti-drug legislation — hold the promise of mitigating the abuses documented in this report, as does action by the United States Embassy in La Paz to provide name tags for anti-drug police agents who had previously operated anonymously. Nonetheless, these are but the first of several steps required by both governments to bring to an end these abuses.

In this report we document violations that include:

- The misuse of firearms by antinarcotics police resulting in injury and death in some instances. M-16s and shotguns firing rubber pellets were utilized with insufficient care during operations to disperse hostile crowds. In some instances, the evidence indicates police agents may have fired their weapons directly at Chapare residents who were not armed with deadly weapons. Our research does not, however, indicate a pattern of deliberate unlawful use of lethal force by the police.
- A continuation of the arbitrary and unlawful arrests previously documented by Human Rights Watch/Americas. In many cases, the Ministry of Government ordered these arrests. The arrests have taken various forms, including indiscriminate warrantless detentions of individuals against whom there were no reasonable grounds for suspecting criminal conduct; arrests intended to suppress peaceful and lawful political protest activity; and detention of coca growers' union leaders to secure advantage in negotiations with them over government policy. The special drug prosecutors condoned the arrests, despite their obligation to protect individuals from illegal detention.
- Tear gas was used carelessly, with insufficient precautions in residential areas to avoid exposing individuals, particularly children, to health hazards. At least one death, that of a six-month-old baby, has been attributed to exposure to tear gas. Chapare residents also alleged that tear gas was fired directly into their homes and at a clinic where people with serious injuries were receiving medical attention. Children and especially infants reportedly suffered severe trauma with respiratory sequelae from inhaling gas.
- Official investigations into deaths in shooting incidents have been limited in scope, superficial and slipshod. They have relied primarily on statements by commanding police officers, while police and civilians who were eyewitnesses to the deaths have not been questioned. Our review of investigation records shows no serious progress towards obtaining the evidence necessary to ensure accountability.¹

¹ This report is a follow-up to Human Rights Watch/Americas, "Bolivia: Human Rights Violations and the War on Drugs," *A*

More generally, our ongoing research supports the conclusion reached by the human rights commission of the Bolivian Chamber of Deputies in its August 1995 report, *Police Actions and Deaths in the Chapare*:

[B]loodshed and deaths are part of an increasingly serious picture of violent confrontation in which the police act with an unnecessary display of power, abuse and indiscriminate attacks against the civilian population in the Chapare. Police interdiction activities seem to be guided by the assumption that all Chapare residents are drug trafficking suspects and that therefore the UMOPAR's activities are guided only by the criteria of efficiency without the slightest respect for legal and procedural norms. There are persistent and consistent complaints which indicate police actions are preceded by a sort of armed occupation of the area in question, in which the residents, by sole virtue of suspicions, are subjected to mistreatment, physical aggression, verbal violence, illegal searches of their homes, arbitrary confiscation and taking of their goods and money, not to mention the agitation, tension and fear to which children, women and the elderly are subjected. (Translation from the Spanish by Human Rights Watch/Americas)

Responsibility for these abuses falls largely on the Bolivian government. Minister of Government Carlos Sánchez Berzain has failed to use his authority to ensure compliance by the antinarcotics police with Bolivian law and international human rights standards and to insist on accountability for abuses. Ministry of Government officials have both ordered and condoned arbitrary arrests and have tried to suppress peaceful political protests.

The United States shares responsibility for these human rights violations. Bolivian drug policies are heavily shaped by U.S. government concerns and priorities. The United States funds, equips, and provides training to the Bolivian antinarcotics police and other agencies responsible for counternarcotics activities, including the special prosecutors responsible for pursuing drug offenses in the courts. U.S. Embassy officials are in constant communication with the minister of government and other officials about counternarcotic operations and closely follow antinarcotic police activities.

Unfortunately, the United States has failed to ensure that effective protection of human rights is a condition of U.S. counternarcotics support. In particular, the United States has failed to use its considerable influence to curtail abuses by the UMOPAR. Although embassy officials pay close attention to the few instances in which the police shoot Chapare residents, they demonstrate comparatively little concern about the more pervasive problems of arbitrary arrest, misuse of tear gas, physical abuse, and theft by the UMOPAR. The United States has failed to press for the establishment of effective investigation and disciplinary procedures that will ensure accountability for human rights abuses committed by the UMOPAR. U.S. officials have acknowledged to our researchers that the UMOPAR's record of civilian deaths and injuries to some extent reflects the lack of adequate training and control.

Two recent initiatives by the Bolivian government that were spearheaded by the Ministry of Justice brighten the otherwise somber panorama of human rights protection for coca farmers in the Chapare. In particular, we are encouraged by the establishment in December 1995 of an official human rights office in the Chapare responsible to the Ministry of Justice. The precise role of the office has yet to be defined, and it is still underfunded and lacking basic equipment. But one of its proposed functions is the receipt, transmission, and monitoring of complaints by Chapare residents against the police. Such activity by the office could play an important role in increasing police accountability and protecting rights in the Chapare.

Another important effort by the Ministry of Justice was development of the recently enacted Law of Judicial Bond (*Ley de Fianza Juratoria contra la retardación de Justicia Penal*). This statute eliminates some of the provisions of Law 1008, the country's antidrug legislation, which flagrantly violated due process principles. For example, drug-offense defendants acquitted by trial courts or who have already served their sentences will no longer have to remain imprisoned pending the results of appeals to the Supreme Court. Unfortunately, in contradiction to international human rights principles, the law still retains a blanket prohibition on pre-trial release for all drug offenders.

Another positive development, facilitated by the support of the U.S. Embassy in La Paz and through U.S. funding, is the name tags that members of UMOPAR are beginning to wear. The name tags end the anonymity of police agents and will enable residents of the Chapare to identify police who abuse them.

Recommendations

No social or political objective, including the elimination of narcotics, justifies disregard for human rights. We call on the Bolivian government to adhere to international human rights standards as it pursues its national drug policies. More specifically, we recommend:

- *Guidelines for searches and arrests.* Clear rules governing the circumstances in which searches and arrests are permitted and the manner in which they are to be conducted, consistent with Bolivian law and international human rights treaties, should be developed for counternarcotics police and strictly enforced.
- *Police training.* A review should be undertaken of the training UMOPAR and other police in the Chapare receive to ensure that they have the skills and experience needed to protect civilians from unnecessary, careless or excessive use of firearms and riot control agents.
- *Support for the Human Rights Office of the Ministry of Justice.* The office should be given the financial, personnel, and logistical resources necessary to function effectively. It should establish an accessible and widely publicized system for receiving complaints from the public against members of the antinarcotics police, for transmitting them to police and prosecutors, and for monitoring actions taken with regard to them. The office's staff should have unrestricted access to internal police and court documentation to enable them to fulfill these monitoring and reporting functions. Information about the complaints and the results of investigations and administrative or judicial proceedings should periodically be made public.
- *Reform of Law 1008.* Additional reforms of Law 1008 should be enacted to permit judicial consideration, on a case-by-case basis, of pre-trial liberty for persons charged with violations of antinarcotics laws.
- *Reform of internal police investigation and disciplinary procedures.* We repeat our recommendation for a full and independent investigation into the efficacy of existing procedures for deterring human rights violations during antinarcotics operations and for disciplining abusive antinarcotics agents. The investigation should produce public recommendations for reform. Among the reforms we urge are: 1) the establishment, in cooperation with the Human Rights Office, of adequate, accessible, and publicized complaints procedures; 2) the allocation of sufficient numbers of trained personnel, both within the UMOPAR and within the judicial police force, to investigate such complaints; 3) establishment and enforcement of guidelines for such investigations, including the requirement that every attempt be made to identify and interview police and civilian witnesses to incidents involving physical injury or death; and 4) public disclosure of the findings and results of such investigations.
- *Instructions to special drug prosecutors.* The attorney general should instruct all special drug prosecutors to fulfill their responsibility to secure full respect for the Constitution and, specifically, to ensure that searches and arrests by antinarcotics police are consistent with Bolivian law and international human rights standards, and to order the release of all persons arbitrarily detained.
- *Provisions of record of confiscated property.* When property is confiscated or impounded by the UMOPAR, the possessor or owner of the property should be given signed documentation of that fact along with instructions about how to reclaim his or her property. The confiscation should be registered at the UMOPAR command. The Human Rights Office should have unfettered access to such records to respond to civilian complaints of theft or arbitrary confiscation.

We also urge the U.S. government to ensure that it does not underwrite human rights violations through its counternarcotics assistance to Bolivia. It should use its influence and resources to strengthen the Bolivian government's willingness and ability to protect fundamental rights, including by adopting the recommendations noted above.

In addition, the United States should:

- *Withhold weapons.* The United States should not provide or fund the acquisition of arms and riot control agents for the UMOPAR until it is satisfied that the police have been trained to use them properly and that sufficient controls are established on their use; and
- *Condition funding.* The United States should condition continued funding of the UMOPAR on the institution of adequately staffed, effective investigation and disciplinary systems; and on the promulgation and enforcement of rules for lawful searches and arrests.

We further recommend an expansion of the scope of the "certification" review the United States undertakes of counternarcotics progress in drug-producing nations to include the human rights implications of antidrug programs. The Clinton administration considers human rights to be a cornerstone of its foreign policy. But verbal assurances of the United States' commitment to human rights will mean little if they are not backed up in practice. The United States must honestly consider the human rights dimensions of programs to suppress drug trafficking and take forceful steps to ensure that the protection of fundamental rights is paramount.

II. BACKGROUND

Frustrated by its inability to significantly reduce the flow of cocaine into the United States through interdiction, in the last two years the United States government has returned to a "source country" strategy, hoping to combat cocaine where it is produced. In Bolivia, the world's third-largest producer of the coca leaf from which cocaine is made as well as the second-largest producer of refined cocaine, U.S. government policy has pressed for the eradication of coca, following the logic of "no coca, no cocaine."²

² A focus on foreign coca production was also attempted by the Reagan and Bush administrations. "The logic is simple. The cheapest and safest way to eradicate narcotics is to destroy them at their source..." George Bush, quoted in David Hoffman, "Proposal is Marked Shift from Border interdiction," *Washington Post*, May 27, 1988.

The Clinton administration has also adopted a more aggressive use of the congressionally mandated certification process that conditions economic and military assistance on counternarcotics performance, as compared with the previous administration of President George Bush.³ In 1994 and 1995, the United States certified Bolivia, but did so relying on the act's national interest waiver, under which the president may certify a country, despite its lack of counternarcotics progress, if he determines that certification is in the national interest.

Immediately after it announced the certification decisions in March 1995, the United States informed Bolivia that it would nonetheless cut off aid and oppose multilateral bank loans if the Bolivian government did not meet three conditions by June 30: the eradication of 1,750 hectares of coca; the submission of a mid- and long-term eradication plan; and the negotiation of a new extradition treaty. In subsequent communications with Bolivian officials, the United States left no doubt that this "ultimatum" was not negotiable.

Bolivian law mandates progressive coca eradication in the Chapare, subject to national budget constraints and the availability of international support for alternative development.⁴ In recent years, however, farmer reliance on the revenue from coca, the slow development of economically viable non-coca products, the militancy of the coca grower unions, and the lack of concerted commitment by the Bolivian government resulted in no net reduction in the area of land under coca cultivation.⁵ Faced with the ultimatum from the United States and the prospect of forfeiting crucial economic support, Bolivia met all three conditions. The government eradicated 2,200 hectares by the end of June and managed to attain a subsequent goal of eradicating a total of 5,400 hectares.

³ The certification process was created by a 1986 amendment to the Foreign Assistance Act of 1961. Section 490(b) of the Foreign Assistance Act states: the President of the United States by law must certify to Congress whether each producing and/or drug transit country during the previous year has cooperated fully with the United States or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances, to accomplish goals described in applicable bilateral narcotics agreements with the United States, and to take legal and law enforcement measures to prevent and punish public corruption related to narcotics." Alternatively, a country may be certified on the grounds that "vital interests of the United States require" that assistance be provided. Countries which are neither certified nor granted a vital interests waiver are cut off from most bilateral U.S. assistance. In addition, the U.S. must vote against multilateral bank loans to these governments.

⁴ Law 1008 calls for the eradication of at least 5,000 hectares annually but conditions reaching this goal on "the availability of financial resources from the national budget as well as by the commitments and provision of sufficient bilateral and multilateral technical and financial cooperation destined for Alternative Development." Article 10, Law 1008.

⁵ See Human Rights Watch/Americas, "Bolivia: Human Rights Violations," for a more detailed review of the contending political and economic forces affecting counternarcotic efforts, including eradication.

The government was able to obtain these eradication results only by putting enormous pressure on the coca growers to voluntarily eradicate or to face forced eradication. The government also began an unprecedented effort to destroy forcibly coca seedbeds and newly planted coca in the Chapare — both of which are specifically prohibited by Law 1008.⁶ Over the course of 1995, the government and the coca growers' unions, sometimes with the mediation of the Catholic Church, undertook a series of fractious negotiations. The tug-of-war between the government and the coca growers was fiercely polarized: the government insisted that the national interest required meeting the U.S.-dictated goals, even if to do so required forcible eradication; the coca growers insisted they would defend their crops by whatever means necessary. The coca growers asserted what they considered to be a legitimate interest in defending their livelihood. Bolivian officials alleged — and their views were shared by U.S. officials — that the growers' unions were manipulated by drug traffickers, who used and financed farmer protests in an effort to guarantee their supply of coca⁷, and that increasing numbers of farmers were engaged in the illegal production of coca base, the first stage in the production of cocaine.

In April 1995, the government declared a ninety-day state of siege, primarily to quell serious labor unrest, although the emergency measures provided an opportunity to place leaders of the coca growers' unions under administrative detention and to begin eradication. When the first state of siege expired, the government renewed it for another ninety days, this time expressly to facilitate eradication efforts. In a report on its effort to monitor human rights during the initial months of the state of siege, the Human Rights Commission of the Chamber of Deputies made preliminary findings that "there have been excesses, irregularities and abuses, especially by the police."⁸

Beginning in April, tensions between the government and the coca growers periodically turned violent. The single most serious incident of violence occurred during the second week of July, when the UMOPAR carried out forcible eradication of new seedbeds and immature coca plants in the Isisboro Securé National Park. Growers retaliated by blocking roads and organizing into self-defense committees to prevent eradication. On July 15 near Aroma, unknown people hurled three charges of dynamite packed into tin cans at an UMOPAR truck transporting detainees, causing serious injury to six UMOPAR police, two DINACO⁹ agents and twelve peasants, one of whom, Juan Carlos Ventura, later died in the hospital.¹⁰ Serious police abuses, including the beating of peasants, were reported in the same region in August during an operation to eradicate coca seedbeds known as Agua Clara II. In the months that followed, the police repeatedly faced a formidable challenge: to provide law enforcement backup for forced eradication efforts and to respond to often violent disturbances as growers organized to protect their crops and blocked whole sections of

⁶ Under Law 1008, coca which was growing in the Chapare at the time of the law's passage, apart from one small area, is deemed excess and transitional, to be eradicated over time. All coca planted in the transitional areas after 1988 is illegal and subject to immediate eradication without compensation. In practice, the government has provided compensation for voluntarily eradicated coca regardless of the date of the planting. The recent eradication of seed beds was performed forcibly without compensation.

⁷ For example, this view is expressed in the UMOPAR's annual report for 1995, which asserts that "national and local drug traffickers are supporting the actions carried out by the [coca] leaders, some of them are involved in inciting people to resist and to provoke violent confrontations while bilateral meetings are in progress with the mediation of the Church. The slogan of the coca leaders is "coca or death"; this intelligence analysis permits us to observe that the unions,.. are linked in some ways with drug-trafficking — at least by providing the most important raw material, the coca leaf, as well as through other activities prohibited under Law 1008...."UMOPAR, *Operaciones Antinarcóticos UMOPAR-Chapare, 1995 Balance General*, undated document.

⁸ Human Rights Commission, Chamber of Deputies, "Vigencia y Respeto de los Derechos Humanos Durante el Estado de Sitio,"(La Paz, Bolivia 1995), p. 64.

⁹ DINACO is the Bolivian government agency which regulates the legal sale and distribution of coca leaf.

¹⁰ Three members of the coca farmers' union were later arrested and charged with the crime, but evidence of their participation is weak.

the main highway linking Cochabamba and Santa Cruz.¹¹ Serious confrontations took place in La Chacandora in September and in Entre Ríos and Shinahota in August and November.

III. DEATHS AND INJURIES CAUSED BY FIREARMS

In the course of 1995, four civilians were killed by gunshot and at least a dozen civilians and two police were injured by bullets during violent confrontations between the police and Chapare residents. Some of these confrontations occurred when *cocaleros* (the name by which farmers who grow coca are known), alerted by warning whistles from neighboring communities that forcible eradication was in progress, left their villages armed with sticks and slings to block eradication. Other confrontations took place when the police attempted to disband political gatherings or to break up barricades mounted by cocaleros to prevent police from having access to their communities.

¹¹ According to the UMOPAR's annual report for 1995 the government tried to reach a negotiated solution with the producers, while carrying out aggressive policing of highways and roads to prevent demonstrations and disruptions of traffic. These operations, conducted jointly by the UMOPAR and the Special Security Group (Grupo Especial de Seguridad, GES) with air support from air force and army helicopters, were known as Operation Clear Road (Via Libre). The GES is a unit of the national police in La Paz that was brought to the Chapare to help with crowd control and to provide additional protection to government personnel forcibly clearing coca fields.

The UMOPAR were equipped with U.S. Army-issue M-16 automatic assault rifles, shotguns, and a variety of U.S.-manufactured crowd control weapons such as tear gas and smoke grenades.¹² According to senior UMOPAR officials, the shotguns are only used to fire rubber pellets; the UMOPAR is not issued and does not use either birdshot or buckshot.¹³ The police used their firearms to halt the advance of, or to disperse, menacing crowds. Senior UMOPAR officers insisted to our representatives that the arms were only used to fire warning shots, and that such shots are fired directly into the air, never over the heads of or in front of advancing crowds.

In many of the confrontations the residents were armed with sticks, stones, and slings capable of inflicting serious injury.¹⁴ In various reports, UMOPAR officials assert the growers were also armed with firearms, machetes and sticks of dynamite. It is difficult to assess these claims because they lack specificity or evidence to substantiate them.¹⁵ For example, none of the scores of residents arrested during the confrontations was detained with a firearm, and the UMOPAR do not claim to have confiscated weapons during the street confrontations.¹⁶ In addition, the reports do not identify individual police who purport to have seen firearms being used during a confrontation. All of the local people we interviewed denied that the coca growers used firearms against the police, although they readily admitted using slings and throwing stones.¹⁷ Most also denied that coca growers used dynamite in confrontations with the police during 1995, although many Chapare residents are former miners known to be versed in the use of explosives, and they acknowledged that dynamite had been used in the past.

¹² See Human Rights Watch/Americas, "Bolivia: Human Rights Violations," p.12 for a general description of the paramilitary characteristics of UMOPAR.

¹³ The use of rubber pellets was evident from the piles of spent green cartridge shells amassed by residents of the Chapare. We were informed by Maj. Juan Meleán, vice-commander of UMOPAR, that green shotgun cartridges contain rubber pellets, while red shotgun ammunition contains lead or steel shot, which is lethal, particularly at close range. We did not see any spent red shells during our mission to the Chapare. We were not able to obtain a listing of the arms carried by the other two police agencies that participated in crowd control and eradication efforts in the Chapare in 1995, the GES and the Ecological Police, although we were informed that the GES also uses shotguns with rubber pellet cartridges. The Ecological Police is a new 260-person unit created with U.S. support to assist the government's eradication campaign by carrying out the forced destruction of illegal coca seedbeds and new plantings. According to the U.S. State Department, the Ecological Police destroyed 100,000 square meters of seedbeds and forty-five hectares of new coca within four months of its creation. (Bureau for International Narcotics and Law Enforcement Affairs, Department of State, *International Narcotics Control Strategy Report* [Washington: March 1996], p. 69.)

¹⁴ Government officials and residents estimate the numbers of peasants involved in these confrontations at between 1,000 to 14,000. None of the estimates is reliable, however, and we have preferred in this report to refer to "thousands" where large crowds were involved, without trying to be more precise.

¹⁵ Police reports routinely recite a litany of weapons supposedly used by the coccaleros, with little indication that in any given incident an effort was made to identify precisely which weapons were present or used.

¹⁶ UMOPAR reports do not identify any weapons confiscated during confrontations with coccaleros, although they scrupulously list weapons confiscated during drug interdiction missions, e.g., when maceration pits — in which coca leaves and chemicals are mixed and stomped by foot to produce a base or paste — are discovered.

¹⁷ We received conflicting reports as to the extent to which the Chapare's residents owned firearms. The police and a couple of the residents we interviewed claimed shotguns for hunting are common. Others insisted that shotguns are scarce.

The small number of the injuries recorded by UMOPAR tends to bear out the coca growers' assertions regarding weapons. According to an UMOPAR summary of casualties for 1995, there were no police fatalities during clashes with the public. Two policemen were wounded by gunfire: one of the shootings was unquestionably the work of a coca farmer;¹⁸ the author of the other is unknown. If farmers had been using guns to fire on the police, the number of police bullet injuries would have been greater. No UMOPAR troops were injured by dynamite other than those wounded in the extraordinary dynamite attack on an UMOPAR vehicle in Aroma (described above).¹⁹ One UMOPAR member was injured in a machete attack in Isarsama in April 1995, when a resident is reported to have reacted violently when he saw his pregnant wife being beaten by police.²⁰

By contrast, four members of the public were killed by bullets in separate incidents between July and December. Although no reliable lists for those wounded by UMOPAR or other police have been compiled by governmental or nongovernmental sources, our researchers obtained information on more than a dozen cases of residents who received serious gunshot wounds, some of which required major surgery, including the amputation of a leg. The number with minor wounds may well be much higher.²¹

The deaths have been the subject of internal UMOPAR reports and have been investigated by the Technical Judicial Police (Policia Técnica Judicial, PTJ), the judicial police responsible for conducting criminal investigations.²² Our review indicates these investigations have been cursory, extremely limited in scope, and slipshod. Conclusions have been drawn which are not substantiated by evidence. Gaps and contradictions in the evidence have not been addressed. Witnesses — police and civilians — have not been identified and questioned. (Indeed, the only official body to have made a concerted effort to identify and interview witnesses is the Chamber of Deputies Human Rights Commission, but it has only reported on two of the cases under consideration.) The formal reports submitted by senior police officers provide overviews of the confrontations but contain few facts clarifying how the fatalities actually occurred. Neither the UMOPAR reports nor the PTJ investigations reflect an effort to gather the information necessary to assess whether the deaths occurred from the legitimate use of lethal force.

Under established human rights principles for law enforcement, police may only use such force as is reasonably necessary to prevent a crime or to effect an arrest. Force which is disproportionate to the objective may not be used. The use of firearms against persons should be restricted to self-defense or the defense of others against imminent threat of death or serious injury or to effect the arrest of persons presenting such a danger. The intentional lethal use of firearms is permissible only when unavoidable to protect life.²³

¹⁸ See the case of José Mejía, Section IV. UMOPAR casualty lists indicate ten agents were wounded in 1995, two from gunshot wounds (Edgar Paco Matías, shot in the right thigh by José Mejía Piso, and Sgt. Simón Quisbeth Mamani, shot by an unknown person and hit by a .22 bullet in the right leg in Entre Ríos, November 17). Of the other eight wounded, four were seriously injured by stones, two by grenade fragments (the Aroma incident), one by a machete blow, and one by an unspecified skull fracture. UMOPAR, *Relación Nominal de Policías de Umopar y U.P.E fallecidos durante la gestión 1995 en la región del Chapare*, undated document.

¹⁹ According to government officials, the standard way in which the cocalers use dynamite is to throw small pieces into the road in front of the police. The effort is not to injure but to prevent advance.

²⁰ Interview with Peter Richard Gutiérrez, member of the Civic Committee, Isarsama, January 18, 1995.

²¹ Police reports on violent incidents do not list the number of civilians wounded.

²² We are not aware of any official investigations into non-fatal injuries.

²³ See, for example, Code of Conduct for Law Enforcement Officials, adopted by U.N. General Assembly resolution 34/169 December 17, 1979; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 to September 7, 1990.

Our investigations and the number and type of fatalities and gunshot wounds suggest that the UMOPAR's own rules for the use of arms and the international principles of proportionality were not always observed.²⁴ Although the crowds posed some danger to the police, that danger was principally from stones and rocks. The use of a military assault weapon such as the M-16 in such a context is troubling; the potential for serious injury and death is great when such weapons are carried by police operating under great stress and with insufficient training in crowd control measures.²⁵ In fact, the evidence suggests that at times UMOPAR troops did not limit themselves to safe warning shots but fired their weapons indiscriminately and hazardously against people who were not themselves using deadly force. There is also considerable evidence that some shots may have been fired directly at people under the cover of warning volleys. In addition, although UMOPAR rules preclude firing shotguns with rubber pellets at individuals from a distance of closer than fifteen meters, local residents claimed injuries from such pellets.

Juan Ortiz Díaz

Juan Ortiz Díaz, aged twenty-three, was killed by a gunshot on August 8 in Ayopaya, Carrasco, during a stand-off between police and coccaleros. The fatal shot was fired by one of the police covering his colleagues who were trying to escape by foot across the Ichoa river, pursued by a crowd of coccaleros, including Ortiz, who were allegedly pelting them with stones.

According to the police, an eight-person UMOPAR patrol, commanded by Lt. Eduardo Soliz Tordoya, gave a lift to a campesino who informed them about coca maceration pits in the Colonia Ayopaya and the Colonia 6 de Agosto. Reaching the end of the track, they left their vehicle and proceeded by foot with the informant. On the way they encountered two peasants, Basilio Gálvez and Silverio Canaviri, who aroused their suspicion because they tried to run away, and because they were carrying money in U.S. dollars. They ordered the two to accompany them to check out their stories about the money. (According to Basilio Gálvez's testimony to the Human Rights Commission, the police arrested him when he was on his way to Entre Ríos by bicycle to pay a land debt and took US\$1,100 from him. He claimed he had been paid the sum as a compensation for eradicating coca plants.²⁶ He alleged that the police covered his mouth, beat him and struck his hands with a bayonet).²⁷

²⁴ In our investigation of these deaths we spoke to senior officers of UMOPAR and of the Technical Judicial Police, public prosecutors responsible for police investigations, and forensic doctors as well as eyewitnesses and relatives of the victims. We also had access to official police reports, including the results of autopsies and ballistic findings, and the reports of the Chamber of Deputies Human Rights Commission. We were unable to interview officials of the Special Security Group or the Ecological Police.

²⁵ The UMOPAR training focuses on jungle operations and actions against drug traffickers. The routine police training UMOPAR members receive prior to joining the UMOPAR provides limited instruction in crowd control.

²⁶ Basilio Gómez showed our researchers official receipts documenting payments for eradication of coca. He was paid in bolivianos and converted the money into dollars, a common practice in the Chapare.

²⁷ "Campesino asegura que teniente ametralló a coccalero muerto." *Ultima Hora*, (La Paz, Bolivia), August 10, 1995.

Arriving at the Ichoa river, the patrol divided into two groups of four persons each. One group stayed guarding Basilio Gálvez, while the other crossed the shallow river on foot and went with Silverio Canaviri into Colonia Ayopaya. There they discovered a maceration pit, which they torched, and they impounded precursor chemicals and cocaine base. They made five arrests on the spot and confiscated a twelve-gauge shotgun belonging to Canaviri. Then the police found themselves surrounded by an angry crowd "armed with machetes, stones and knives" shouting for the return of the money confiscated from Gálvez and Canaviri as well as from another local resident.²⁸ Outnumbered, they ran toward the river with the villagers in hot pursuit. The five detainees escaped in the mêlée. According to UMOPAR, when the fleeing police were close to the bank, their colleagues who had remained on the other side fired shots into the air to frighten off their pursuers. The police then crossed the river and the eight left the scene unaware that one of the bullets they had fired had struck and killed Juan Ortiz.

There is no dispute about the fact that the bullet that killed Juan Ortiz was fired by a member of UMOPAR. The police claimed that the most likely explanation was that the shot was a ricochet or a spent bullet. Yet one witness who claims to have seen the police firing at the moment Ortiz fell said he saw one policeman fire directly at the victim, from a distance we calculated to be between 120 and 200 yards. Basilio Gálvez, who was in custody of the police who had remained on the opposite bank and who was therefore close to the police who fired the "warning shots in the air," told the Human Rights Commission that he saw the "lieutenant" (presumably Soliz Tordoya) take direct aim in the direction of Ortiz and fire. He claimed the police saw what happened and that the shooter panicked and said, "You have not seen anything, you bastards." (*No han visto nada, carajos.*) Gálvez repeated this story to our researchers.

The theory advanced by UMOPAR of a possible ricochet is improbable, considering the topography, the location of the participants, and the nature of the weapon. Although UMOPAR collected statements from some of the police who participated in the incident, they did not carry out a thorough investigation. The police investigation files on the case indicate that none of the UMOPAR patrolmen who fired shots, Lieutenant Soliz included, were questioned after their initial statements, nor were they asked to demonstrate the angle at which they fired.

Senior UMOPAR officers told us that Lieutenant Soliz was subsequently transferred out of the region to La Paz. In January, the Ministry of Justice informed the U.S. embassy that a trial court in Cochabamba was investigating Lieutenant Soliz and three members of his patrol.²⁹

Ramón Crespo Condori

Ramón Crespo Condori, a twenty-five-year-old cocalero from Ayopaya, died of a gunshot wound on September 2, 1995, during a violent clash between cocaleros and police in La Chacandora, Carrasco. Those responsible for Crespo's death have not been identified. Police believe a cocalero was responsible; residents claim Crespo was shot by police. Crespo's case exemplifies the great difficulties in establishing responsibility for instances of death or injury in the Chapare and the inability or unwillingness of official investigators to overcome these difficulties.

According to an official report by UMOPAR commander Col. Luis Caballero, at 4:30 a.m. on that day two companies of the Ecological Police, two companies of UMOPAR and personnel from DIRECO³⁰ and DINACO arrived in La Chacandora on an eradication mission. The patrol eradicated 6,431 square meters of immature coca and 1,132 square meters of coca seedbeds, confiscated a twelve-gauge shotgun and made seventy-eight arrests. On their way back to the main road, a stone shattered a side window of an UMOPAR truck, and the police saw local people gathering together "with the obvious aim of hampering the police operation." The operation commander radioed for help, and

²⁸ Memo from Sgt. Dionisio Plata Huanca (UMOPAR) to Maj. Juan Mellán Arias (UMOPAR Subcommander), August 10, 1995.

²⁹ Letter from Renè Blattmann, Minister of Justice, to Kenneth C. Keller, U.S. Embassy, dated January 18, 1996.

³⁰ DIRECO is the Bolivian government agency that monitors coca eradication and provides compensation payments to farmers who eradicate.

Major Meleán flew in by helicopter with two patrols, finding a pitched battle in progress between the police and a 1,000 peasants “armed with stones, sticks, machetes, dynamite and other things.” The crowd was finally dispersed with tear gas and warning shots. At about 3:30 p.m., the police returned to base with three of their members wounded — two cut by machetes and one hit by a stone.³¹

Crespo was shot during a confrontation between a group of the cocaleros and the police which took place in the Colonia Gualberto along a narrow track bordered by banana trees. According to witnesses interviewed by our researchers, at the time the bullet struck him, Crespo was at the front of the group and was shooting stones at the police with a sling. Although Ramon Crespo was struck by a bullet and died not more than fifty yards from the police, the police claimed to be unaware that a person had been killed.

³¹ Memorandum from Col. Luis Caballero Tirado, commander of UMOPAR, to Gen. Simón Sejas Tordoya, commander of the Special Forces for the Fight against Narcotics Trafficking (Fuerzas Especiales para la Lucha Contra el Narcotráfico, FELCN), September 2, 1995.

On the following day a forensic doctor from Cochabamba performed an autopsy on Crespo's body, witnessed by residents and members of the local coca farmers' union. He found a two-centimeter entry wound on the right side of the abdomen; the bullet had perforated the intestines and severed several arteries. There was no exit wound. Working for several hours in primitive conditions without water, he was unable to locate the bullet and, as night approached, he requested permission from the prosecutor and peasant leaders to move the body to Cochabamba for x-rays. Six peasant leaders accompanied Crespo's body to the hospital in Cochabamba where at 3:30 a.m. the doctor finally located by x-ray a bullet fragment lodged in the spine and extracted it in the presence of peasant leaders in the morgue.³² Police ballistic analysts concluded that the fragment, weighing 2.60 grams, was part of a home-made buckshot pellet, fired from a twelve-gauge or sixteen-gauge shotgun.³³ The police report concluded that the death had not been caused by a service weapon issued to the UMOPAR. Pointing to the forensic conclusions, the police believe Crespo must have been killed by an armed cocalero. To our knowledge, however, they have not undertaken any additional investigations to support their conclusion — or to identify and bring to justice the person responsible for Crespo's death. No witnesses or participants in the incidents have been questioned by either police investigators or prosecutors.

Witnesses interviewed by our researchers cast doubt on the police version. Two eyewitnesses claim to have seen the police deliberately shoot in the direction of Crespo before he fell. One witness, Severo Angulo, told us that Ramón Crespo was in a group of five people at the front of the crowd facing the police, who were some thirty-five yards in front of them. Crespo was using a sling. Angulo was about ten yards behind him. The police were firing their weapons in spurts and Angulo saw one of them kneel and take careful aim, "as if he were hunting." At that moment Crespo turned around as if he had felt pain, and fell between two banana trees at the edge of the stony track. He got up again and staggered about fifteen yards into a coca field, where he fell again.³⁴ Angulo went up to him. "What happened, *hermano*?" he asked him, and Crespo told him, "They shot me here," showing his stomach where there was a small round hole, without blood. Angulo was then surrounded by UMOPAR. He tried to escape, but the police knocked him down, beat and kicked him, then tied his hands and took him away, bleeding heavily.

³² Interview with Dr. Ricardo Mercado Mercado, Cochabamba, January 22, 1996.

³³ The police conclusion that the bullet which killed Crespo was homemade is an important detail, because the use of home-made ammunition would indicate the weapon probably belonged to a cocalero. We raised the question of whether Chapare residents make their own ammunition in a meeting on January 22, 1996, with Col. Julio Mejía, director of the PTJ in Cochabamba, and Lieutenant General Cárdenas Méndez, head of the PTJ's homicide division. The officers told us that peasants in the Chapare make their own shotgun ammunition using recycled materials. Spent commercial cartridges are refilled with a charge, and pellets are made by melting down lead from old car batteries and pouring the molten lead through a perforated tin tray, and allowing it to drip into a receptacle of water where it cools and solidifies into a sphere. Nicholas T. Forbes, M.D., a forensic pathologist consulted by our researchers, said that the bullet fragment in the police photographs did not resemble a projectile from any rifled weapon and that at a range of thirty-five meters a home-made twelve-gauge shell could have caused the wounds recorded in the autopsy. (Written communication from Dr. Nicholas T. Forbes to Human Rights Watch, February 8, 1996.)

³⁴ The head of the PTJ homicide division in Cochabamba also said that Crespo did not die immediately but staggered on and eventually died of an internal hemorrhage. Interview with Lieutenant General Cárdenas Mejía, January 22, 1996.

Another witness, twenty-one-year-old David Quispe Condori, who saw the incident from approximately one hundred yards further down the track, told us that he saw a policeman in a green uniform of the type worn by the GES and Ecological Police (not UMOPAR, who wear camouflage fatigues) kneeling and taking aim “calmly,” while a colleague was letting off a burst of automatic weapon fire. Crespo suddenly looked round as the policeman was aiming. Quispe dropped to the ground for cover, but was himself struck by a bullet in the right hand. A few moments later he approached the body of Crespo, then in the middle of the track. Crespo was already dead, and his side and mouth were smeared with mud.³⁵

Both witnesses interviewed by our researchers insisted that the coccaleros did not carry any shotguns on the day of the confrontation. Given that Crespo was at the front of the coccaleros, facing the police, it is unlikely that a bullet fired by his companions would have entered his body from the front and lodged in his spine. UMOPAR officers deny using shotguns except for firing rubber bullets. Colonel Caballero's report states that the police had confiscated a twelve-gauge shotgun at some point during the day, but does not indicate where the gun was impounded or whether the police unit that confronted Crespo had it in their possession. We are not aware of any tests having been done to ascertain whether the weapon had been recently fired.

Roxana Janeth Veliz Vargas

Roxana Janeth Veliz Vargas, aged thirteen, died on November 15, 1995, after being struck in the stomach by a bullet during a riot in Shinahota, a town on the main highway between Cochabamba and Santa Cruz. According to UMOPAR's account, on that day UMOPAR had set in motion an “automatic eradication” operation in Shinahota and had taken control of the town to avoid disturbances. According to police reports, at around 5:00 p.m. police guarding the road were attacked by some 3,000 union members, who had been meeting in a hall, armed with slings, sticks, and machetes. According to coccalero leaders, however, the violence erupted because police had prevented a union meeting and occupied the hall. The coccaleros decided instead to hold a campaign meeting to launch their mayoral candidates, but the police also refused to permit that.

The police fired large quantities of tear gas but were eventually outnumbered as more and more protesters appeared. The police retreated in both directions down the road, and the demonstrators set up barricades with tree trunks, cars and burning tires. UMOPAR reinforcements arrived, and after skirmishes lasting several hours — during which police used large quantities of tear gas and rubber bullets and fired numerous warning bursts of automatic weapons fire — they managed to clear the road area.³⁶ The police made about twenty arrests, and nine police were injured, apparently none of them with bullet wounds. On the civilian side, there were six gunshot injuries, the largest number of any incident during the year. Two of the injured required major surgery: Pedro Franco Bustos, twenty-one, was hit in the stomach and had to have a colostomy; Felipa Mamami Martínez, thirty-seven, was hit in her right thigh by a bullet which severed her femoral artery, and ultimately had to have her leg amputated.³⁷

³⁵ Reports of the incident which circulated afterwards alleged that Crespo was tortured by police and had mud stuffed into his mouth before he was killed. Photos of the body are said to show the mouth full of mud. Our researchers have not seen these photos and are unable to confirm the allegation of torture. Neither Angulo nor Quispe saw the police putting mud in Crespo's mouth or beating him. Dr. Ricardo Mercado, who performed the autopsy, told us he did not see any mud in Crespo's mouth. It is possible that the mud seen on his face was the result of the body being dragged from the coca field where Crespo fell, to the track, where Quispe approached the body, a distance of some twenty yards.

³⁶ Memoranda from Lt. Col. Miguel Flores, commander of the Ecological Police, and Maj. Juan Meleán Arias, vice-commander of UMOPAR, to Col. Luis Caballero Tirado, commander of UMOPAR Chapare, November 16 and November 23, respectively. Repeated volleys of gunfire are audible in a video of the events viewed by our researchers.

³⁷ Interview with Dr. Edgardo Rodríguez Antezana, Shinahota public health clinic, January 18, 1996.

We were unable to obtain precise information on the exact circumstances of Veliz's death. The Cochabamba branch of Defense for Children International reported that Veliz had fallen from her bike and was hit in the stomach by a bullet when she was getting up off the ground.³⁸ We have been unable to confirm this or to establish whether Veliz was facing the police when she was hit.

During the autopsy, a bullet fragment was extracted from her body, described as a "laminated fragment with a coating of lead and copper alloy with a weight of two grams," but the PTJ ballistic experts were unable to identify the weapon caliber. Senior PTJ police officers in Cochabamba told our researchers that the bullet fragmented before entering the body and was too small to permit identification.³⁹ The autopsy does not establish the distance Veliz was from the weapon that fired the fatal bullet. The balance of evidence nonetheless suggests she was probably shot by government forces. No police were reported hit by gunfire that day, nor were any firearms reported confiscated from demonstrators. Six demonstrators were hit by bullets, and the police in their reports on the incident acknowledged using lethal ammunition to fire "warning shots." According to the U.S. Embassy, the police acknowledge that one of their bullets killed the girl.⁴⁰

Beyond the autopsy and the inconclusive ballistics test, nothing has been done to investigate the circumstances in which Janeth Veliz died. Indeed, on January 9, 1996, almost two months after her death, Dr. Gualberto Villarroel Román, an official in the prosecutor's office, sent a memorandum to the district prosecutor explaining: "It has been clearly established that the investigations were not continued since the event occurred in a violent clash between the forces of UMOPAR and the peasants...[I]t is therefore impossible to determine the responsibility of the author or authors."⁴¹

Even though responsibility for Janeth Veliz's death had not been determined, the prefect (the highest regional official) of Cochabamba quickly cleared the regional government of any possible liability in a civil damages suit. Before Veliz had even been buried, the prefect, Dr. Alberto Glasser Vargas, persuaded her father, Bernardo Veliz Soria, and mother, Sebastiana Vargas, to sign a private agreement waiving their right to claim damages. The agreement, drafted in haste on non-official paper, blamed the child for getting into trouble, and the signatories concurred that her death had been an "[u]nfortunate accident," expressed their "[f]ull and absolute confidence" in the investigations into her death, and waived any future right to damages or compensation. The parents were given US\$3,000 in "humanitarian assistance" in exchange for signing this document.

In an interview with the couple, we discovered that Bernardo Veliz had only a few years of basic education and was unable to read because a kitchen gas explosion three years ago had almost destroyed his eyesight. His wife speaks only Quechua and is illiterate. They had no lawyer to assist them, and Veliz said he was "drunk with grief" at the time he signed the document. "It was not favorable to me. They forced me to sign, and if I start a trial they will send me to prison."⁴²

José Mejía Piso

³⁸ Letter from Defense for Children International to Juan del Grandao, president, Chamber of Deputies Human Rights Commission, November 23, 1995.

³⁹ Interview with Col. Julio Mejía, director of the PTJ, and Lieutenant General Cárdenas Méndez, head of the PTJ's homicide division, Cochabamba, January 22, 1996.

⁴⁰ Telephone interview with Ken Keller, first secretary, United States Embassy, La Paz, March 7, 1996.

⁴¹ Memorandum from Dr. Gualberto Villarroel Román, prosecutor (*agente fiscal*), to Dr. Mario Montaña Pereira, district prosecutor, Cochabamba, January 9, 1996.

⁴² Interview with Bernardo Veliz Soria and Sebastiana Vargas de Veliz, January 18, 1996, translated from the Spanish by Human Rights Watch/Americas.

José Mejía Piso, a campesino in his late fifties or early sixties, was shot and killed by a member of an UMOPAR patrol near San Gabriel on August 18, 1995. In an effort to clarify the circumstances of his death, our researchers spoke to residents of San Gabriel but we were not able to speak with any witnesses to the shooting. We have also studied the relevant police reports and the report of an on-site investigation conducted by the congressional Human Rights Commission. From these sources, it appears the UMOPAR patrol, which was present in the area to support eradication efforts, provoked a violent reaction from the peasants. Residents claim the patrol has carried out beatings of residents, including women and children, and stole or destroyed residents' property. The residents attacked the patrol with stones and slings but were dispersed with tear gas and rubber bullets. According to the police version, José Mejía, acting alone, confronted the police with an ancient Mauser rifle. He wounded policeman Edgar Paco Matías in the leg with one bullet and grazed his chest with another. According to the account provided to the Human Rights Commission by Gen. Simón Sejas Tordoya, then-commander of FELCN, the UMOPAR gave chase as Mejía was preparing to fire another round. His rifle jammed, and he was brought down by a burst of fire from another UMOPAR policeman. General Sejas was not present in San Gabriel at the time of the shooting, and we do not know how he acquired this version. The PTJ report on the shooting provided on September 8 to the prosecutor does not describe the specific circumstances of Mejía's death although it notes, almost in passing, that it occurred during "crossfire." The reports filed by Colonel Caballero and the UMOPAR patrol chief, Lt. Marcos Encinas, also fail to describe those circumstances or to establish the existence of "crossfire." The report on Mejía by the congressional Human Rights Commission was inconclusive because of the limited evidence available when it conducted its investigation two days after Mejía's death, but the commission was concerned that Mejía may have been killed in retaliation for having fired on the UMOPAR.

The PTJ did a paraffin test on Mejía's hands with a positive result from the right hand, consistent with his having fired a weapon. They also established that the bullets which killed him had been fired from an M-16. Our researchers have a copy of a handwritten medical certificate attesting to the knee wound of the policeman, Matías, and a copy of his declaration, in which he said he had passed out after being shot and had not seen how Mejía died. Matías was the only witness interviewed by the PTJ. No other police or civilian witnesses have been identified or questioned. The distance at which the bullets were fired has not been established, and there appears to have been no effort to identify which police officer fired the fatal shot or to establish whether Mejía in fact died in an exchange of fire. In short, our review of the PTJ files as well as the UMOPAR internal reports suggests no police effort to gather evidence relevant to the crucial question of whether the UMOPAR killed Mejía during the reasonable defensive use of lethal force.

Rubber Pellets

To our knowledge, no one has attempted to catalogue injuries caused by the police's widespread use of rubber pellets fired from shotguns. Colonel Caballero told our representatives that the police are instructed to avoid using rubber pellets at a range of less than fifteen meters, since at closer range the rounds can inflict serious injury. Two cases were reported to us involving clear breaches of those guidelines.

Dionisio Jamache Nina, a member of the May 12 coca growers' union from San Gabriel, reported being shot in the back twice at a range of five meters while he was running away from the police during a confrontation over eradication on August 18, 1995. He had a scar measuring approximately four centimeters on his back, and he said the injury caused him to be hospitalized in a clinic in Cochabamba.⁴³

⁴³ Interview with Dionisio Jamache Nina, Shinahota, January 20, 1996.

Angelina Encinas told our researchers that in the same confrontation, her mother, Victoria Campos, was hit by rubber pellets in her right arm, chest, right leg above the knee, and collarbone. Campos had been using a sling to throw stones at an UMOPAR patrol and was captured. According to Encinas, the police ordered Campos to look up at the sky and fired the shots at her from some eight to ten feet away. Campos was detained for six days at the UMOPAR base in Chimoré without medical attention.⁴⁴ She later obtained treatment privately in a clinic in Shinahota, where a doctor removed the pellets from her skin.

IV. USE OF TEAR GAS

The police relied heavily on the use of riot control agents, and in particular CS and CN gas, to quell civil disturbances and surmount organized resistance to counternarcotics operations in the Chapare.⁴⁵ During a five-day tour of the area we saw scores of spent gas canisters, grenades, and projectiles of different shapes and sizes, which local people had amassed in the previous months.⁴⁶ One of the fundamental principles for police conduct is that the use of non-lethal incapacitating weapons such as tear gas must be carefully controlled to minimize the risk of endangering uninvolved persons. This principle was not observed in the Chapare.

When our researchers asked Col. Luis Caballero about UMOPAR tear gas guidelines, he said the use of CS and CN gas inside homes, and in or around hospitals and schools, was strictly banned.⁴⁷ Yet we found evidence that tear gas had been used in ways that unnecessarily exposed residents, especially infants and children, to health hazards. Residents alleged, for example, that police fired tear gas deliberately into homes, evidently for no other purpose than to force the inhabitants out; in one instance tear gas canisters hit a school; tear gas canisters also landed at a public health clinic where there were severely injured people receiving treatment. Residents living close to areas where disturbances had taken place complained of lasting effects of tear gas on the health of young children. A six-month-old baby died during one such disturbance, apparently of asphyxiation from prolonged inhalation of tear gas in his home. The harmful effects of tear gas on these occasions were enhanced because it was used for hours on end in densely populated residential areas, in which many houses are ramshackle and open to the elements.

⁴⁴ Encinas was not present during the incident, but told our researchers what her mother had told her. Victoria Campos's name is included on the UMOPAR detention lists for that day.

⁴⁵ CS and CN are members of a family of chemical compounds called "lacrimators" whose effects are described as "intensive irritation of the eyes causing crying or temporary blindness, irritation of the mucous membranes of the nose, trachea or lungs, causing coughing, irritation of the throat and stomach, with the induction of vomiting and possibly diarrhea, and irritation of the skin." Although CN is still used all over the world, CS is now preferred in many countries, because its immediate effects are more potent, causing "instantaneous conjunctivitis, with concomitant blepharospasm (involuntary blinking), burning and pain." It is also said to cause less long-term injury. The effects of both gasses depend on their concentration. In large concentrations CS can produce feelings of suffocation accompanied by panic, vomiting, and prostration, and causes blisters on exposed skin. See Howard Hu, M.P.H; Jonathan Fine, M.D., M.P.H; Karl Kelesy, M.D., M.O.H.; Preston Reynolds, M.D., Ph.D; Bailus Walker, Ph.D, M.P.H, "Tear Gas—Harassing Agent or Toxic Chemical Weapon?" *Journal of the American Medical Association*, August 4, 1989, p. 660-663; Thompson S. Crockett, "Chemical Agents" (Washington, D.C.: International Association of Chiefs of Police, 1968).

⁴⁶ UMOPAR is equipped with CN and CS gas in canisters, grenades, and projectiles as well as colored smoke grenades and rubber pellet cartridges. According to UMOPAR officials, they are not equipped with the rubber or wooden batons routinely used by police. We were not able to obtain figures on the quantity of riot control supplies used by the UMOPAR in 1995. According to the U.S. Embassy in La Paz, the U.S. Defense Department has provided the following quantities of tear gas to Bolivian antinarcotics police since 1991: 1,168 grenades of CN gas between September 1991 and March 1993; 1,912 cartridges of CN gas in November 1992, and 3,296 in 1995. (Letter from Rodger D. Slaughter, Colonel, SF, U.S. Military Group, La Paz, dated February 21, 1996.)

⁴⁷ Interview, Chimoré, January 21, 1996.

The usefulness of tear gas as a riot control weapon is that it can break up an aggressive and dangerous crowd by temporarily incapacitating people but not inflicting permanent injury. However, tear gas is not harmless, and to avoid hazard it is essential that police be properly trained and responsible in its use.⁴⁸ Recent studies have identified a variety of trauma associated with improper use of tear gas, such as penetrating wounds caused by the explosion of gas grenades and canisters, blistering skin burns from direct contact with gas powder, lasting respiratory effects, and increases in miscarriages and stillbirths.⁴⁹ Several variables may influence the toxicity of tear gas. Apart from climatic and atmospheric factors, two are frequently stressed in the technical literature: the concentration of the gas itself and the ability of those affected to escape its effects by running clear. Gas used in confined spaces is more concentrated and lasting in its effects and consequently more dangerous,⁵⁰ particularly if it is used in homes where there are infants, old or disabled people who are incapable of running outside.⁵¹ Similarly, tear gas can be hazardous if used in or near schools and hospitals.

Medical personnel at the San Martín de Porras Children's and Maternity Hospital (also known as the Ibuelo hospital), who have treated numerous tear gas victims in the Chapare, stressed the greater sensitivity of young children to the effects of tear gas because of its effect of reducing the oxygen supply especially in confined spaces. Although they did not rule out long-term physiological effects, depending on the type of gas used, they considered the psychological sequelae to be more serious. They also told us that two women in their first three months of pregnancy had miscarriages two days after the events in Shinahota. They were unable to say whether the miscarriages were a physical effect of the gas or the result of emotional stress.⁵²

Isarsama, April 22-23, 1995

⁴⁸ "Safety is a relative term when used in connection with riot control agents of any kind and there is always a possibility of injury and death under unusual circumstances or when agents are improperly employed. Assurances from commercial and military sources regarding the comparative safety of CS should not be permitted to obscure the fact that, like any other agent, CS must be used with discretion." (Crockett, "Chemical Agents," p. 10.)

⁴⁹ See for example research on South Korea in Howard Hu et al., "Tear Gas—Harassing Agent or Toxic Chemical Weapon?," p. 661, and on Israel in Amnesty International, "Israel and the Occupied Territories: The Misuse of Tear Gas by Israeli Army Personnel in the Israeli Occupied Territories," AI Index MDE/15/26/88, (London) June 1988.

⁵⁰ CS contamination is extremely difficult to remove. "When used indoors, CS particles settle on floors, walks, ceilings, and merchandise or household furnishings where they remain for extended periods of time. Unless removed, these fine particles are reactivated and become airborne, producing CS symptoms, whenever the air in the contaminated area is disturbed." (Crockett, "Chemical Agents," p. 18). Residents of the Chapare who had gas thrown into their homes complained of the smell lingering for days.

⁵¹ In its study of Israel and the Occupied Territories, Amnesty International refers to the deaths of more than forty Palestinians in which tear gas was the cause of a contributing factor. Hundreds more were hospitalized, suffering from the effects of the gas. Amnesty International found that almost all the victims "belonged to sections of the population particularly vulnerable to tear gas inhalation: babies, the elderly and sick people, particularly those suffering from respiratory diseases." Amnesty International, "The Misuse of Tear Gas," p. 2.

⁵² Interview with Dr. Edwin Pinto, pediatrician, Dr. Miriam Pardo, gynecologist, and Dr. Ramiro Franco, general physician, San Martín de Porras Hospital, Chipiriri, January 18, 1996.

According to Peter Richard Gutiérrez, a member of the Civic Committee in the hamlet of Isarsama (population 400 families), UMOPAR and GES police used tear gas in Isarsama on three occasions on April 22 and 23, 1995, firing canisters directly into homes and causing widespread distress, especially to children. An official UMOPAR report states that the purpose of the Isarsama operation was to keep the main Cochabamba-Santa Cruz road open after reports of a planned blockade by peasants with “machetes and long-range weapons, as well as dynamite. Intelligence reports indicated that official vehicles would be attacked and destroyed and their occupants kidnapped.”⁵³

According to residents, following rumors that UMOPAR was planning to take advantage of the state of siege then in force to carry out forced eradication, a meeting was held in the village at about 2:00 p.m. on April 22. UMOPAR police thought the people were massing for a violent demonstration and fired tear gas into the crowd. Violent skirmishes lasted for an hour and a half. Four men were wounded by gunfire, and those that could, fled the village. There were children lying on the ground unconscious from the gas. At 6:30 p.m. the police returned and fired gas directly into the homes, although there was no resistance or violence. Again the people fled, and the police left around 8:00 p.m. Later people began to return to sleep. At about 4:30 a.m. on the following morning, about 450 UMOPAR and National Police returned in thirty vehicles, this time with dogs. They went on a rampage, breaking into stores, lobbing gas grenades into homes to force the men out. At least two pregnant women were beaten; one husband who went to the defense of his wife with a machete, wounding a policeman, was charged with attempted murder.⁵⁴ Among the residents we interviewed were:

- Yolanda Araúz, aged sixteen. “It was five in the morning, I was in a lot of pain, I was five months pregnant. They knocked on the door, and then they kicked it.” Three or four UMOPAR police came in and went upstairs, she said. One of them put his hand over her mouth to stop her screaming and another hit her with his rifle butt. “They wanted to rape me,” she said. “They put gas in the house, lots of it, my little boy was ill with the gas.”
- Ramiro Lazarte Gutiérrez, aged fourteen, who lives with his aunt and uncle. He said that police burst in after kicking in the door. They threw gas canisters into the house. He saw three canisters: the gas was grey, the canisters were silver. It made his eyes burn and he could not breathe. They all escaped from the house and into the countryside.
- Delia Espinoza de Figueroa, aged twenty-three: “We were in my house in the afternoon. The kids were out in the street. The leos [short for leopardo, the name by which the UMOPAR is known locally] arrived and entered the house. ‘You are a cocalera!’ they said. They kicked my husband and insulted me when I defended him. They let gas off inside the house. I shouted for help, my grandparents are so old now, they could not do anything. ‘Drink water!’, my husband shouted. Get those babies out of here before they die!’ My husband escaped into the countryside. Next day I took the kids to the hospital. I have three kids, the girl was two at the time, the twins were only three months. All the children passed out. I managed to revive the babies by holding urine under their noses. My grandfather was also treated in hospital in Cochabamba.”
- Isaura Araúz said that her daughter, who was eight months old at the time of the incident, “was so healthy before, now she’s always vomiting and has permanent diarrhea. It was the gas that poisoned her.... I had to take her to see Dr. Lucio in Ivargarsama.”

⁵³ UMOPAR, *Balance General 1995*, page not numbered. Major Juan Meléan, vice-commander of UMOPAR, told our researchers that there had been a large-scale blockade of the road at Isarsama the day of the police action and that cocaleros had stopped a United Nations vehicle, broken the windows, and beaten the driver. Interview, Chimoré, Bolivia, January 19, 1996.

⁵⁴ Interview with Peter Richard Gutiérrez, Isarsama, January 18, 1996.

On May 29, the Isarsama Civic Committee drew up a list of eighty-seven children who had been affected by tear gas. In June, the Cochabamba branch of Defense for Children International (DCI) submitted the list to Víctor Hugo Cárdenas, the vice-president of Bolivia. DCI interviewed Isarsama residents in May 1995 and found that ten days after the events the smell of gas was still present in the houses.⁵⁵

Although the UMOPAR report on Isarsama mentions eighty-seven police arrests and one policeman with a knife wound (presumably the machete incident), it makes no reference to tear gas or its effects on residents.⁵⁶

The Clinic in Shinahota

At the height of the Shinahota confrontation on November 15 (see case of Roxana Janeth Veliz, above), a tear gas canister was fired or thrown at the doorway of a public health clinic. Through the open door clouds of gas entered the clinic where nine casualties, three of them in a critical condition from gunshot wounds most likely inflicted by police, were being attended. We interviewed five people who were present: Dr. Edgar Rodríguez Antezana, the young intern in charge of the clinic; Flora Galarza Burgos, a nurse; Quintín Vargas Calderón, a cocalero leader who was assisting patients and was detained at the clinic, Bernardo Véliz Soria, father of Janeth Veliz Vargas, who had died at 5:00 that afternoon of a gunshot wound; and Maj. Juan Meleán Arias, vice-commander of UMOPAR, who arrived at the clinic with an UMOPAR ambulance to evacuate emergency cases.

According to Dr. Rodríguez, the first patients were brought in at about 6:00 p.m. One of them, Felipa Mamani Martínez, age thirty-seven, was bleeding profusely from a severed artery in her leg and needed urgent specialized medical attention.⁵⁷ Dr. Rodríguez left the clinic to find emergency transportation for her. After showing his credentials and explaining the situation to an UMOPAR officer, he returned to the clinic with a minibus. Before the serious cases could be evacuated, however, Dr. Rodríguez heard a loud explosion in the doorway, and clouds of white smoke entered the building. He felt an intense irritation of the eyes.⁵⁸ At the same time the doctor heard a burst of automatic weapons fire from the street, and was aware that the clinic was surrounded by UMOPAR and Special Security Group police. The police entered the clinic and roughly ordered all the non-patients out, making them lie face down on the ground. Dr. Rodríguez was himself threatened. Police kept the detainees under guard for about thirty minutes while the patients were evacuated in the minibus and taken to the local Ibuelo hospital. Dr. Rodríguez reported speaking to a tall officer in charge of the operation (apparently Major Meleán), who appeared nervous and asked, "What's all this gas doing in here?"⁵⁹

⁵⁵ Interview with Dr. Elizabeth Patiño, director, Defense for Children International: Cochabamba branch, Cochabamba, January 22, 1996.

⁵⁶ UMOPAR, *Operaciones Antinarcóticos*, p. 5.

⁵⁷ As in the case of Janeth Veliz Vargas, the prefect of Cochabamba, Dr. Alberto Glasser, sought to draw up a "private contract," agreeing to pay Felipa Mamani's medical expenses in exchange for a liability waiver. However, on this occasion negotiations broke down because Mamani, advised by the Permanent Assembly on Human Rights, a nongovernmental human rights advocacy group, rejected the wording of the agreement. The original version of the agreement stated that Mamani "participated together with other people in illegal and criminal actions of confronting and clashing with police units... regrettably causing serious injuries to her person, on being the victim of bullets from guns used by her own companions." We are not aware of any official determination regarding the kind of bullet that struck Mamani.

⁵⁸ Dr. Rodríguez said the smell of the gas persisted until the following morning.

⁵⁹ Interview with Dr. Edgar Rodríguez Antezana, Shinahota, January 18, 1996. Dr. Rodríguez told us that UMOPAR police threw a gas grenade into the office of a private physician, Dr. Osvaldo Mérida, while he was attending a patient. Dr. Mérida reportedly had to carry the patient out on his back. We were unable to confirm this fact.

Quintín Vargas Calderón, a cocalero leader, told our researchers that he was in the clinic helping with the wounded and that some of the patients were already in the minibus when the gas was thrown in. He was arrested between 7:30 and 8:00 p.m. He stated that he was made to lie face down with other detainees before being taken to the UMOPAR base in Chimoré.⁶⁰

Bernardo Veliz Soria said that the gas canister was thrown while large numbers of people were running from the police in the vicinity of the hospital. Although he did not leave the hospital to look outside, he heard helicopters overhead and the sounds of pursuit. The gas canister struck something but did not enter the open door. "Everyone was crying inside. Before entering the leos were shouting, 'Halt, you bastards, get out ! Out, you bastards!'" Veliz did not see anyone being made to lie on the ground. He said that the detainees were taken directly to a waiting van. He was not ordered out but allowed to stay with his daughter's body.⁶¹

According to Maj. Juan Meleán's official report on the Shinahota events, he "[m]ade contact" with Dr. Rodríguez at about 8:45 p.m., Dr. Rodríguez informed him about the medical emergency, and Meleán ordered UMOPAR ambulances and paramedics to the clinic, where they evacuated six wounded to the Ibuelo hospital. "Once the situation was brought under control, some of the agitators were identified who were instigating the violence, and we proceeded to arrest [them]." Nineteen detainees are named. The report does not mention the presence of tear gas in the clinic or that some of the detainees were in fact arrested at the clinic. In fact it gives the impression that the ringleaders were identified and detained *after* the events at the clinic, whereas the facts as reported above indicate that police entered the clinic looking for them.⁶² If this were the case, it is very probable that the tear gas was used deliberately to force the suspects out of the building, where they were perceived as having taken refuge — an egregious violation of the UMOPAR's guidelines for the use of gas that potentially put wounded persons at risk. When our researchers raised the issue of the tear gas with Major Meleán, he denied categorically that gas had entered the clinic.⁶³ We asked him in a later meeting if he did not remember commenting on the gas in the clinic when he entered it to evacuate the patients. He said he could not remember.⁶⁴

We cannot definitively rule out the possibility that the gas attack on the clinic was simply due to a careless shot during a mêlée. However, the fact that the police were in pursuit of rioters at that time in the immediate vicinity, and that they later ordered members of the public out of the clinic and promptly arrested them, suggests that the gas was thrown at the door deliberately to force them out of the building. Such an action is a serious violation of basic guidelines for the use of tear gas. Colonel Caballero admitted that it was possible that gas had entered the clinic, but said that he did not know exactly. As far as we are aware, UMOPAR has never undertaken an investigation into the use of tear gas at Shinahota, although the events were widely covered in the press and imply a serious violation of UMOPAR's operational rules.

Remberto García Agreda

⁶⁰ Interview with Quintín Vargas, Shinahota, January 18, 1996. According to the Chamber of Deputies Human Rights Commission, police arrested twenty people during the Shinahota events, eight of whom were detained in the clinic while helping the wounded. Untitled memorandum by the Chamber of Deputies Human Rights Commission. The official UMOPAR report on the incident lists nineteen detainees.

⁶¹ Interview with Bernardo Veliz Soria, Shinahota, January 18, 1996.

⁶² Memorandum, dated November 23, 1996 from Maj. Juan Meleán Arias to Col. Luis Caballero Tirado.

⁶³ Interview with Maj. Juan Meleán Arias, Chimoré, January 19, 1996.

⁶⁴ Interview with Col. Luis Caballero Tirado and Maj. Juan Meleán Arias, Chimoré, January 21, 1996.

Remberto García Agreda, a six-month-old infant, died sometime during the night of November 16, apparently from inhalation of tear gas. Several thousand protesters had occupied a stretch of road about two and one-half miles long in Entre Ríos, setting up roadblocks at intervals and hurling stones at the police. With the help of colored flares fired from helicopters, the police responded for hours with tear gas, rubber pellets, and live ammunition fired into the air. The violence continued from about 10:30 p.m. on November 16 to 2:30 a.m. on November 17, when a violent storm drove protesters and police alike off the road.⁶⁵ The house in which Remberto García lived was a stone's throw from the blockaded highway. Like most homes in Entre Ríos — indeed, in towns throughout the Chapare — it was a roughly constructed, relatively flimsy wooden structure without glass windows. Gas from outside would readily penetrate inside. In the middle of the night, when most families were home sleeping, the heavy and prolonged use of tear gas foreseeably exposed children and infants to health hazards.

The mother of the deceased infant, Flora Agreda, a resident of Entre Ríos and a mother of five, told our researchers: "They gassed us in the street first, and later I took refuge in the house, but inside they got us again. The baby could not breathe, he was crying, even I could not take it, it was hot like chili pepper. But where else could we go? The bullets were passing by too, and then the rain started...I wrapped the baby up, he could not bear it, he was panting, he could not breathe. He was vomiting, too. It must have been about 1:00 a.m...I got the children to bed and felt tired myself too. I got a bit of sleep and when I got up, the baby was dead. What could I do?"⁶⁶

Víctor Hugo Canelas, Bolivia's national secretary for social defense, who visited Entre Ríos shortly after the incidents, spoke to the parents and gave the father money to cover the baby's funeral expenses. The baby was buried in the local cemetery. Flora Agreda showed us photographs of the funeral and grave. No autopsy was done, so there is no conclusive medical evidence that exposure to tear gas killed the baby. No other explanation for the death has been offered, however.⁶⁷

Near Agreda's home is that of Filomena Ticol de Mamani. Her daughter Andreina, one year and eight months old, passed out for twenty minutes in their home from the effects of gas. Mrs. Ticol brought her round with a fan and by holding urine under her nose.⁶⁸

V. ARBITRARY ARRESTS

According to official records, during 1995 UMOPAR police detained a total of 960 people for drug offenses in the Chapare, 387 of them in the July-December period. Of these detainees, 36.4 percent were released without charge, and 58.6 percent were referred to the special drug courts.⁶⁹ These figures are incomplete, because they do not include all persons detained during protests or marches and released without charges.⁷⁰

⁶⁵ Interviews with Entre Ríos residents, January 18, 1996.

⁶⁶ Interview with Flora Agreda, Entre Ríos, January 18, 1996.

⁶⁷ U.S. Embassy officials expressed skepticism to our researchers about the cause of the baby's death and, indeed, about his very existence. We do not believe, however, that the parents and community conspired in the fabrication of a child and his death, funeral, and burial.

⁶⁸ Interview with Filomena Ticol de Mamani, Entre Ríos, January 18, 1996.

⁶⁹ UMOPAR, *Operaciones Antinarcóticos*. According to figures provided to us by National Secretary of Social Defense Víctor Hugo Canelas, the total number of people detained in 1995 for drug-related reasons was 2,424; only 914 of these had charges formally brought against them; 1,233 were released. The remainder were released to other institutions. "Resultados Obtenidos en la Lucha contra el Narcotráfico del 1ro de enero al 31 de diciembre de 1995," undated document.

⁷⁰ Random checks of individuals whose detention was reported to our researchers showed that many were not recorded in

In our previous report, we documented the longstanding pattern of arbitrary arrests and unlawful detentions in the Chapare: arrests that took place even though the detainee was not caught in *flagrante delicto*, there was no warrant and the prosecutor was not present at the arrest; detentions for longer than forty-eight hours without charges and without the detainees being brought before a judge⁷¹; arrests followed by charges despite the absence of reasonable grounds for believing the detained had committed a criminal offense; and detentions for conduct which is not a criminal offense. This pattern continues. The only change we noted was the *increased* use of arbitrary arrests to detain individuals for legal conduct — for example, participating in peaceful demonstrations — or against whom there were no reasonable indicia of criminal conduct. These arrests reflected the willingness of the Ministry of Government and of the UMOPAR to disregard the strictures of national and international law to secure tactical advantage in the struggle against coca growers in the Chapare.

The pattern of arbitrary arrests also reflects the unwillingness or inability of the drug prosecutors to stand up for the rights of Chapare residents when to do so would place them in opposition to the UMOPAR or the Ministry of Government. All prosecutors, including those responsible for prosecuting drug offenses under Law 1008, are part of the Public Ministry, which by law is independent of all other government branches or agencies and one of whose overarching functions is defense of the rule of law and constitutional guarantees.⁷² One of the prosecutors' specific obligations, for example, is to secure the release of all persons arbitrarily or unlawfully arrested.⁷³ The drug prosecutors are also responsible for directing and controlling arrests and searches by the narcotics police and are required to be present at all arrests except those that are in *flagrante delicto*.⁷⁴

In practice, however, the prosecutors in the Chapare are present at only a fraction of the arrests, and they appear to play little role in determining whether sufficient grounds exist for the arrest of any given individual. They acquiesce to blanket sweeps designed by the UMOPAR or ordered directly by the Ministry of Government which trample individual rights. In an interview with our researchers, special drug prosecutor Eduardo Marañón specifically disavowed his ability to challenge unlawful arrest orders. Despite his clear legal mandate to protect individuals from arbitrary detention, the prosecutor claimed he was simply an “ant” who did not dare challenge the Ministry of Government. Human rights advocates in Bolivia believe the drug prosecutors' ability to defend human rights is compromised by the fact that their salaries are paid by the United States and are some three times higher than those of other prosecutors.⁷⁵

Arrests of Peaceful Protesters

In December 1995, hundreds of women coca farmers (*cocaleras*) began an arduous 270-mile march from their homes in the Chapare to La Paz, where they intended to present their views about the government's coca policies and their needs. On two occasions the police stopped the march and detained a total of more than 200 participants. On December 20, police acting on telephoned orders from the Ministry of Government detained without warrant some 170 marchers, including 147 women, transferred them to the town of Oruro, and later brought them to the UMOPAR base at Chimoré. Ninety-six were released on December 21 through the intervention of the recently established Human Rights Office of the Justice Ministry, and the remainder, some forty-five women and thirty-one men, were released on the following day. One week later, at dawn on December 27, 150 armed police from the Special Security Group forcibly broke up the march near Micayani, 160 miles from La Paz, and detained forty-five women. Eight said to be

⁷¹ Article 118 of Bolivia's Criminal Procedures Code requires that detainees be brought before a judge within forty-eight hours of arrest. Article 10 of the Constitution requires those detained in *flagrante delicto* without a warrant to be brought before a judge within twenty-four hours.

⁷² See generally Chapters I and II of the Law of the Public Ministry, enacted February 19, 1993.

⁷³ Art.12(h) of the Law of the Public Ministry.

⁷⁴ Law 1008, articles 92-96. See also Chapter XII of the Law of Public Ministry.

⁷⁵ According to U.S. Embassy officials, the government of Bolivia has prepared budget plans under which the Bolivian government would assume the cost of some, if not all, of the drug prosecutors' salaries.

suffering from exhaustion and exposure were taken to a clinic in Oruro while police roughly bundled thirty-five into a bus and transported them to Chimoré, where they and several children under the age of five remained in detention in crowded conditions and with little food until the last detainees were released on December 31.

The government offered various pretexts for the detentions. The most patently disingenuous was the claim that the police intervention had been intended to “safeguard the health and physical integrity of the *campesinas*.” According to press reports, Minister of Government Carlos Sánchez Berzaín explained that “approximately fifty women who were marching were invited to board buses and were transported to Chimoré. Since they are from the Chapare, in that place they will be duly identified and each one taken back to her community.” The minister stated, “these women have no right to jeopardize the security and health of the children they are carrying.”⁷⁶

Another explanation, more openly hostile to the march as well as frankly contrary to principles of free speech and association guaranteed by Bolivia’s Constitution,⁷⁷ was that offered by the National Secretary for Social Defense Víctor Hugo Canelas. In a statement to the congressional Human Rights Commission, Canelas claimed the march was illegal because the marchers “sought to defend” planting new coca crops, which Law 1008 prohibits, and to defend existing crops of coca that were illegal, and “to defend indirectly” the production of drugs in the Chapare.⁷⁸ He repeated this argument in a meeting with our researchers, claiming that the march was illegal because the cocaleras were defending and advocating criminal conduct by trying to protect their ability to plant and produce coca contrary to the provisions of Law 1008.⁷⁹ He also attacked the march for being “politicized.” When questioned by our researchers as to the consistency of his position with constitutional and international human rights guarantees of free speech, free association and the right to petition the government, Canelas insisted the march by the cocaleras was inappropriate in a democracy.

The government’s handling of the marchers’ peaceful demonstration of political opinion revealed deep divisions within the government. Minister of Justice René Blattmann, whose disagreement with Minister of Government Sánchez Berzaín over the march was widely reported in the press, stressed to our researchers, “The strength of a democracy lies in its willingness to allow the right of those with opposed ideas to protest.”⁸⁰ The ministry sent observers to the march, and its Chapare-based Human Rights Office intervened directly to get detainees released.

Following its visit to the Chapare, we received further reports of arrests in circumstances which suggest, as in the case of the marchers, unlawful efforts by the government to quash political opposition. At 8:00 p.m. on January 21, forty-seven people — including Abelino Espinoza, a union leader whom our researchers had interviewed the previous day — were detained by three UMOPAR patrols in the coca market at Villa 14, while watching a video of the cocaleras’ march. On January 29, eighty National Police agents, members of the GES and other police in civilian clothes forcibly entered the offices of the Coca Producers Federation of the Tropics in Cochabamba and detained fifty-eight adults and small children, some of whom were participating in a hunger strike in support of the cocalera marchers, who were themselves on hunger strike in La Paz. According to a report in the newspaper *Presencia*, published in La Paz, the National Police commander, Col. Vitaliano Pérez, said he had received “higher orders” for the arrests and that it was impermissible for people to damage their own health by refusing to eat.

Sweeps

⁷⁶ *Presencia*, (La Paz), December 21, 1995.

⁷⁷ Constitución Política del Estado, Art.7(b) and (c); and American Convention on Human Rights, Article 13.

⁷⁸ Press release, Ministry of Government, National Secretariat of Social Defense, La Paz (no date).

⁷⁹ Article 79 of Law 1008, “apología del delito,” criminalizes “the tendentious, false or sensationalist public defense of a crime or of a person prosecuted or convicted of drug trafficking.” (Human Rights Watch/Americas translation.) To our knowledge, no one has ever been prosecuted as an apologist for crime under this section which, on its face, violates free speech principles.

⁸⁰ Interview with René Blattman, La Paz, January 17, 1996.

In mid-January 1996, police swept through major towns in the Chapare (Shinahota, Villa Tunari, Chipiri, Eterazama and Villa 14) arresting 145 people without warrant on January 16 and scores of others two days later.⁸¹ One target of the sweeps was people without identification documents, assumed to be foreigners or transients engaged in illegal activities in the Chapare. Many of those arrested, however, had identification documents or other proof of residence. Colonel Luis Caballero, commander of the UMOPAR in Chimoré, told us that the arrests were also connected to the Ministry of Government's closure of the Chapare's coca markets.⁸² According to Caballero, UMOPAR patrols accompanied by DINACO went into the market towns and arrested those whom the DINACO agents pointed out as people who they believed illegally bought coca for sale to drug traffickers. The UMOPAR patrols carried no warrants nor even lists of individuals against whom there were reasonable grounds for suspecting participation in illegal coca transactions. A prosecutor at the Chimoré base signed off on the plan to conduct the sweeps but did not review any evidence to support the arrests of specific individuals.

The case of Guillermo López García, a farmer interviewed by our researchers in Eterezama on January 19, is illustrative. He was detained on January 16 while riding his bicycle home after watching the closure of the coca market. The UMOPAR police asked him for identification, and he took them to his house, where he showed them his military service docket and marriage certificate. After helping him find the padlock to lock his home, the UMOPAR took him to Chimoré base. Had UMOPAR or DINACO had intelligence reports that López had been engaged in criminal activity, it might be expected that they question him. But, after giving his name and address he was not questioned further; he was held, however, for two more days. Like the other detainees he had to make his own way home. According to human rights advocates, another man, Luis Espinosa, a resident of San Gabriel, was detained next to the hospital in Chipiriri where he had taken his sick six-year-old child; he stepped outside to buy something to drink and was forced into the UMOPAR truck without being able to speak to family members or even to alert hospital personnel of his forced departure.

The detainees were held, some for over a week, in a crowded hall at the UMOPAR base without mattresses, adequate food, or sanitary facilities. On January 21, six days after their arrest, thirty-four people were still in custody in Chimoré without charges and without having been brought before a judge. According to the nongovernmental advocacy group Andean Information Network, twenty of the detainees had not been able to inform relatives of their detention.

Almost all of those picked up in these sweeps were ultimately released without charges. Women and children who had been detained were released promptly — bringing into question why they were detained in the first place. Others were released as soon as their places of residence were established or for humanitarian reasons unrelated to whatever ostensible reason for their arrest there may have been.⁸³

⁸¹ The week of these massive arrests was also the week that Director of Central Intelligence John Deutch and other high-ranking U.S. officials visited Bolivia.

⁸² There is some question whether, strictly speaking, the local coca markets were ever legal. Whatever their legality, they operated freely and publicly for years under the control of DINACO. Farmers brought sacks of dried coca to the markets, then sold to middle-men who, in theory, would take the coca to the larger markets in Cochabamba for sale for licit purposes. The government claimed, however, that much of the coca sold at the small markets was diverted to the production of coca paste in the Chapare's thousands of maceration pits.

⁸³ For example, our researchers witnessed Colonel Caballero order the release of one individual immediately after he was informed that the detainee had a sick relative.

These detentions were blatantly arbitrary and unjustifiable. They violated rights of personal liberty and elementary principles of due process, and were conducted in utter disregard for required arrest procedures. The minister of justice sent Dr. Sonia Zabala, the head of the regional Public Defender's Office in Cochabamba, to Chimoré to seek the release of the detainees. In a written complaint to Eduardo Marañón, the drug prosecutor in Chimoré, Dr. Zabala called for the detainees' immediate release on the grounds that the arrests had been carried out without any warrant or charge, and that the detainees had been held in breach of constitutional guarantees for more than seventy-two hours at that point. Marañón responded that his intervention had secured the release of "several dozen" detainees. Nonetheless, he asserted, he was powerless to protest or countermand an order from the "Supreme Government" or to insist on the release of all detainees because of the unlawful nature of their arrests. In a meeting with our researchers, he repeated this view. He insisted to us, moreover, that the Ministry of Government had the authority to order the arrests and that it was up to the minister to decide if the arrests were legal or not. We are not aware of any Bolivian law that grants the minister of government this power. But Bolivian law does grant to the prosecutors — who are independent of the Ministry of Government — the authority to order arrests by the antinarcotics police and to review the legality of detentions.⁸⁴

Arrests for Negotiating Gain

In a clear-cut case of arbitrary arrest and abuse of government authority, on November 19, 1995, police detained Delfín Oliveira Borja, a twenty-two-year-old leader of the Central de Eterezama, a coca growers' union, allegedly on the express orders of Social Defense Secretary Canelas, but without, to Oliveira's knowledge, any arrest warrant. Oliveira told us that after he was arrested Canelas personally accused him of having a drink with two members of the Peruvian guerrilla organization Sendero Luminoso, and threatened to send him to a high-security prison in La Paz, or to the cell "where your compañero David Herrera is, because he is all alone."⁸⁵ Later, government officials, including the director of DINACO, Marcelino Quiroga, and Under-Secretary for Alternative Development Edgar Tapia, came to talk to Oliveira while he was being held at the UMOPAR base at Chimoré and tried to get him to promise that his union would eradicate one hundred hectares of coca in exchange for his freedom. Oliveira refused, on the grounds that only the union members could decide how much land they wanted to eradicate. The officials kept reducing the amount of coca eradication Oliveira would have to agree to, but despite heavy pressure he was intransigent. The officials also warned him not to continue with his political activities. After nine days, Oliveira was released. He was never questioned by the police or prosecutor; nor was he charged or brought before a judge.⁸⁶

VI. ABUSES COMMITTED BY UMOPAR IN THE COURSE OF DRUG INTERDICTION

In our earlier report on the Chapare, we catalogued commonplace abuses by UMOPAR agents in the field, including arbitrary search and arrest, verbal harassment and aggression, physical assault, unlawful violence, and theft. Nine months later we encountered the same pattern. The UMOPAR still fails to conduct itself as a police force acting within the framework of the law.

⁸⁴ See Articles 93-96, Law 1008; and Articles 12 and 80, Law of the Public Ministry.

⁸⁵ David Herrera, a fellow union leader, was detained on September 19, 1995, accused of having a maceration pit. His case is discussed in Section VII.

⁸⁶ Colonel Luis Caballero, commander of UMOPAR, in a meeting with our researchers on January 19, confirmed that orders for Oliveira's arrest had not originated with UMOPAR but with the Ministry of Government. He refused to discuss the legality of Oliveira's arrest, saying that was a matter to discuss with Secretary Canelas.

Few victims or family members ever bring complaints directly to the UMOPAR. They believe doing so would be useless at best, subject them to reprisals at worst. For their part, UMOPAR officials are highly skeptical of complaints, believing they are fabricated to discredit the police. The new Human Rights Office inaugurated in December 1995 by the Ministry of Justice in the Chapare may provide an official bridge between the Chapare's residents and the police, facilitating the communication of complaints and monitoring their investigation. It is not clear as of this writing, however, the extent to which the Human Rights Office will exercise this function. The staff is severely handicapped by a lack of funding and basic communications resources, and a final plan for the office's responsibilities has not been delineated.⁸⁷

Many residents claim that the UMOPAR steals money and goods from them. We brought one such complaint up with Major Meleán: that of Basilio Gálvez, who claims that an UMOPAR patrol took US\$1,100 from him, asserting that it was the proceeds of drug trafficking. Gálvez showed our researchers documents supporting his claim that he had received the money for coca eradication. Major Meleán replied that the law permits the police to confiscate the illegal proceeds of trafficking as well as to impound evidence from the scene of a crime. He insisted the confiscated funds were still being held at the prosecutor's office and Basilio Gálvez was entitled to apply for their return since there was no charge against him. Misunderstandings like this could be avoided if police were to issue receipts and instructions for the reclaim or return of confiscated or impounded property.

VII. DUE PROCESS CONCERNS

In our July 1995 report, "Bolivia: Human Rights Violations and the War on Drugs," we identified two major areas in which the legal regime established under Law 1008 to try drug offenders was seriously at odds with international standards of due process. The first was the mandatory rule whereby persons charged with drug offenses were ineligible under any circumstances for provisional liberty pending the hearing of the charges. The second was the absence of provisional liberty during the lengthy mandatory appeals process. Defendants acquitted by the trial court nonetheless remained imprisoned until the Supreme Court reviewed their cases, a process that took years.⁸⁸ In addition, even a person who had served his or her time in full had to remain until the Supreme Court reviewed the sentence.

At the latest count, 575 of 899 prisoners in Cochabamba had been or were being tried for offenses under Law 1008. Of these about 20 percent, more than one hundred prisoners, had been acquitted by the court or had already served their sentences in full.⁸⁹

⁸⁷ Another initiative of the Ministry of Justice, described in our previous report, has been the development of a nationwide system of public defenders. The public defenders in the Cochabamba and Chimoré offices, which handle most of the low-income drug defendants from the Chapare, are playing an important role in protecting defendants from police abuse following their detention and in ensuring that they receive at least a basic defense in court. The impact of the public defenders, however, is limited by the small size of their staff and their lack of basic resources.

⁸⁸ Human Rights Watch/Americas, "Bolivia: Human Rights Violations," p.20.

⁸⁹ The source for this figure is Dr. Víctor Hugo Vargas Antezana, president of the Criminal Chamber of the Higher Court of Justice of Cochabamba. Interview, Cochabamba, January 22, 1996.

On February 2, President Gonzalo Sánchez de Lozada signed into law legislation which removes some of the most glaring injustices of the legal regime for drug offenses.⁹⁰ Article 17 of the new Law of Judicial Bond (*Ley de Fianza Juratoria*) makes several important changes in Law 1008, including: 1) it allows provisional liberty to those acquitted or absolved by the trial court and to those who have already served their sentences in full, pending appellate review of the trial court's decision; 2) it makes appeals of trial court sentencing decisions discretionary rather than mandatory; 3) it concedes provisional liberty to all those held for longer than eighteen months without a sentence by the trial court, those held for longer than four years without a final sentence, and those held longer than the minimum penalty for the crime of which they are accused; 4) it enables judges to dismiss or reduce charges brought by the drug prosecutors;⁹¹ and 5) it establishes territorial jurisdiction for the special drug courts, in place of the national jurisdiction they had previously enjoyed.⁹²

Although the Law of Judicial Bond liberalizes the rules for provisional pre-trial release for most defendants, it does not extend the possibility of pre-trial release to defendants accused of drug offenses (except those who have been held for longer than eighteen months without judgment from the trial court). Law 1008 retains, therefore, a blanket prohibition on pre-trial release for all defendants accused of drug-related offenses. The courts may not consider granting pre-trial release to any drug defendant, regardless of the nature of the specific offense charged, the strength of the evidence, the likelihood the defendant would commit another crime during pre-trial release, or the likelihood that he or she would appear for trial. This provision of Law 1008 contravenes international human rights standards.

Consistent with the presumption of innocence that all defendants enjoy, Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR), states in relevant part that: "It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial,..." The Human Rights Committee of the United Nations has held that detention before trial should be used only to the extent it is lawful, reasonable, and necessary. Necessity is defined narrowly, e.g., "prevent flight, interference with evidence or the recurrence of crime," or "where the person concerned constitutes a clear and serious threat to society which cannot be contained in any other manner."⁹³ The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders established the following principles (para.2)⁹⁴:

(a) Persons suspected of having committed offences and deprived of their liberty should be brought promptly before a judge or other officer authorized by law to exercise judicial functions who should hear them and take a decision concerning pre-trial detention without delay;

⁹⁰ Under the administration of President Sánchez de Lozada, Bolivia has enacted a number of important legislative reforms that increase the protection of human rights throughout the country. Most of these reforms, however, such as the abolition of imprisonment for debt, do not directly address the kinds of abuses most prevalent during antinarcotics activities in the Chapare.

⁹¹ Law 1008 had tipped the balance between the judge and the prosecutors in the early stages of trial decisively in favor of the prosecutor by restricting the judge's ability to refuse to open trials sought by the prosecutor or to reduce the charges. The Law of Judicial Bond thus restores some of the judicial autonomy and discretion that Law 1008 had restricted.

⁹² The system of national jurisdiction had placed an onerous burden on the defendants, who could be tried far from the scene of the events in question and far from their communities. The new law, however, makes an exception to the local jurisdiction in cases in which the defendants are "exceptionally dangerous" and where the local courts cannot provide adequate security.

⁹³ *Hugo van Alphen v. the Netherlands* (305/1988) (July 23, 1990), Official Records of the General Assembly, Forty-fifth Session, Supplement No.40 (A/45/40), vol. II., annex IX, sect. M., para.5.8.

⁹⁴ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (New York: United Nations, 1991), E.91, IV, chap.I, sect.C.

(b) Pre-trial detention may be ordered only if there are reasonable grounds to believe that the persons concerned have been involved in the commission of the alleged offenses and there is a danger of their absconding or committing further serious offences, or a danger that the courts of justice will be seriously interfered with if they are left free;

(c) In considering whether pre-trial detention should be ordered, account should be taken of the circumstances of the individual case, in particular the nature and seriousness of the alleged offence, the strength of the evidence, the penalty likely to be incurred, and the conduct and personal and social circumstances of the person concerned, including his or her community ties;

Bolivian government officials insist the lack of pre-trial release for Law 1008 defendants is justified by the serious threat posed by drug-trafficking to Bolivia. They also argue that mandatory detention of all drug defendants is necessary to prevent the major drug traffickers from being able to buy provisional liberty and then to escape trial. We believe, however, that gravity of the category of crime does not extinguish a defendant's right to the presumption of innocence and to be able to seek pre-trial release. Moreover, the rights of one defendant should not be sacrificed to ensure justice in another case. The threat that major traffickers may buy pre-trial release and escape justice cannot justify denying release to an individual who does not pose a threat of flight or continued criminal conduct. In short, international human rights law requires the court to consider the individual defendant before it and the particular facts of his or her case.⁹⁵

David Herrera

On September 18, 1995, UMOPAR arrested David Herrera Tenorio, a well-known leader of the Federation of Coca Producers of the Tropics of Cochabamba, on suspicion that he was involved in the dynamite attack on an UMOPAR truck on July 15, 1995.⁹⁶ The case was then turned over to a special drug prosecutor, who charged Herrera with having a maceration pit on the land of his neighbor, Estanislao Chile. The legal proceeding against Herrera also included Francisco Vallejos, a peasant with little education who had worked as a laborer for Herrera and who was charged with manufacturing cocaine base; and Chile, a miner's son suffering from tuberculosis who was charged with failing to denounce the use of his land by Herrera for a maceration pit. Bolivian human rights groups believe that Herrera's arrest and prosecution under Law 1008 was an act of political revenge because of his high-profile opposition to government antinarcotics policy.

⁹⁵ See also, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly resolution 43/173 of December 9, 1988; United Nations Standards Minimum Rules for Non-custodial Measures, General Assembly resolution 45/110 of December 14, 1990; and Centre for Human Rights, *Human Rights and Pre-Trial Detention: A Handbook of International Standards relating to Pre-trial Detention*, (New York: United Nations, 1994), E.194, XIV, 6.

⁹⁶ The incident, described above, was the most serious crime of violence during 1995. Near Armoa, in the Isiboro Securé National Park, someone threw a homemade grenade into an UMOPAR van transporting detainees. One detainee, Juan Carlos Ventura, died in the hospital on July 22; more than twenty other people were injured, including other detainees and police. Three individuals, Marcial Alavi Inca, Vicente Bigabriel and Cancio Nina Ramírez, all members of cocalero unions, have been detained in connection with the attack. Our researchers interviewed Bigabriel and Nina and studied the case file. We find their prosecution troubling in several respects: use has been made of statements and evidence allegedly obtained under coercion, including a staged "recognition" of the tins alleged by police to be similar to those used in the explosion, in which the defendants claim they were instructed to pick up a particular can and were photographed doing so by the police. The only defendant to confess, Marcial Alavi, alleged that he was beaten beforehand. The three are currently free on bail.

Although the police did find a maceration pit on Chile's land, they produced no solid evidence that it had been owned or operated by or for Herrera. The prosecution did not present to the court any individuals who claimed to have seen Herrera involved in criminal activity or who alleged to have had dealings with Herrera connected to the pit. Three witnesses claimed that they knew about the pit and that "everybody knew" it belonged to Herrera.⁹⁷ They did not, however, claim any direct knowledge of, nor did they offer any specific information to show, Herrera's ownership or use of the pit. These individuals also made critical allegations about Herrera's conduct of union affairs, revealing that there had been antagonism between them. Neither of the two other prosecution witnesses, Vallejos and Chile, offered any testimony that directly linked Herrera to the maceration pit. Moreover, they both subsequently recanted their initial statements to the UMOPAR. Vallejos originally stated that he knew of the pit and that Herrera's wife had hired him to dismantle it and dispose of the rubber sheeting and remains of macerated coca, which he stored in a chicken hut he had built in advance. Chile originally testified that he knew of the maceration pit, that it had been installed before the ownership of the land had been determined by law, and that because of his illness he had been absent from his land while the pit was in operation. Neither Vallejos nor Chile testified to any conversations, dealings with or observations of Herrera that connected him to the operation of the pit.

The three-judge panel which heard the case in accordance with Law 1008 attempted to throw out the case, arguing that no material evidence of the crime had been produced. The Oruro Higher Court, however, ratified the charges brought by the prosecutor, and the trial was conducted. Both Estanislao Chile and Francisco Vallejos testified to the court that the UMOPAR had pressured them into making their original statements incriminating Herrera. Chile said he was threatened with thirty years in jail if he did not declare and offered freedom if he did. Vallejos said that after arresting him UMOPAR officials offered him money— no specific sum was mentioned— to testify against Herrera and told him he would be released if he did. Vallejos said that they had brought him to the site of the pit dressed as a "leopard" and had instructed him what to say and do.

On December 29, the court acquitted the three defendants. The ruling stated that the prosecutor had not been present during the arrests and searches as required by law, that Vallejos and Chile had been detained without a warrant, that no material evidence had been collected, that the witnesses' testimony was vague and unsubstantiated, and that two of the key witnesses had been threatened and bribed into testifying against Herrera.

VIII. UNITED STATES

The United States has not played a direct role in the human rights abuses described in this report. But it shares responsibility for them because of its ongoing role in funding, training, advising, and equipping the UMOPAR, the special drug prosecutors, and all other Bolivian antidrug entities.⁹⁸ The United States must also assume responsibility for pressing the Bolivian government to undertake eradication policies that would be strongly opposed by the coca growers without having ensured that the Bolivian police would be able to respond to that opposition without resorting to human rights abuses.

⁹⁷ For example, Daniel Acosta Camacho testified that he knew that Herrera had a maceration pit on Chile's land. When the prosecutor asked him how he knew this, Acosta stated, "I knew because all the neighbors knew." In response to further questioning, he testified that he never saw the maceration pit in use. *Dictaminación Informativa de Cargo en Estrada por Daniel Acosta Camacho*, taken September 21, 1995 by Prosecutor Percy Camacho Flores.

⁹⁸ See Human Rights Watch/Americas, "Bolivia: Human Rights Violations," pp. 110-14, for details regarding U.S. financial and other assistance to Bolivian counternarcotics institutions. The budget for fiscal year 1995 allocated \$28.2 million for narcotics programs in Bolivia, including \$3.2 million in Foreign Military Financing (FMF) and \$13.9 million in Economic Support Funds (ESF). For fiscal 1996, the administration plans to spend \$15 million in counternarcotics programs in Bolivia and for fiscal 1997, the administration has requested \$50 million. (Bureau for International Narcotics and Law Enforcement Affairs, U.S. Department of State, *International Narcotics Control Strategy Report*, p. 32).

Our research, including interviews with U.S. officials, suggests the United States continues to approach allegations of abuse by antinarcotics police with a strong bias. In striking contrast to the skepticism with which they treat complaints by cocalers, U.S. officials are quite willing to draw from uncertain facts conclusions that favor the police. Thus, for example, the annual State Department human rights report on Bolivia covering 1995 states that although government investigations are still open, the “evidence available to date...refutes allegations that [deaths of peasants in the Chapare] were extrajudicial killings or the results of unjustified police force.”⁹⁹ We disagree. The evidence is inconclusive and contradictory in all five cases. While it does not suggest deliberate extrajudicial killings, it cannot be fairly read as exculpating the police from the charge that they misused their firearms or as proving — as the report claims — that certain deaths were caused by “protesting farm workers.” For example, the State Department report describes as the result of justifiable use of force by the police the cases of Juan Ortiz Díaz and José Mejía Píso, described above in Section III. Our careful review of these cases shows there is insufficient evidence to exonerate the police in the two deaths.

The evidence in the case of Ramón Crespo does not establish that “protesting farm workers” killed him, as the State Department alleges. Eyewitnesses claim to have seen police fire directly towards the group in which Crespo was standing. Responsibility for the July 15 dynamite attack which killed one peasant has not been established; although three coca grower union members have been charged with the crime they have not been convicted and, based on the files we were able to review, the evidence against them is weak. Finally, we agree with the State Department that the circumstances of Janeth Veliz Vargas’s death are uncertain. She may have been killed by a “warning shot” gone astray or by a bullet fired deliberately into the crowd.

The very uncertainty surrounding these cases exemplifies a crucial human rights problem in the Chapare: the lack of effective police investigations even in grave cases such as homicides. Unless there is a marked change in energy, determination and resources put into the investigations into these deaths, the likelihood is that those responsible — civilian or police — will never be held to account. The State Department’s human rights report ignores this fundamental problem.

The State Department’s human rights report also notes widespread allegations that police use undue force against farm workers during antinarcotics operations. It observed that the “similarity and volume of such allegations suggest that they had some basis in truth.” The report then notes: “No incriminating evidence came to light, and no security personnel were charged or tried.” The absence of evidence or prosecutions, however, says little about the patterns of abuse. It speaks instead to the paucity of serious investigations into those abuses and the lack of will on the part of government and law enforcement officials. The State Department’s report also notes that there were “credible allegations” of illegal searches and thefts of property by the UMOPAR and an absence of prosecutions.

The State Department’s acknowledgment of abusive treatment of civilians by the UMOPAR, even if somewhat indirect, is nonetheless important. We hope it will encourage both U.S. and Bolivian officials to take direct action to address the problem. The United States has supported human rights training for the UMOPAR, but training alone does not suffice to protect human rights during police operations. U.S. officials must make a greater effort to use the United States’ influence and resources to encourage the Bolivian government to establish effective complaint and internal disciplinary procedures and to ensure competent, thorough investigations of alleged abuses. If the United States continues to fund, advise, and equip the UMOPAR, it has an obligation to help the Bolivian government develop the resources necessary to secure those procedures and investigations.

The United States should help the Bolivian government review the training received by the UMOPAR to ensure that the police have sufficient expertise and experience to protect civilians from unnecessary, excessive, or careless use of firearms and chemical weapons. U.S. officials acknowledge that the UMOPAR’s training has not

⁹⁹ U.S. Department of State Country Reports on Human Rights Practices for 1995 (electronic text found on URL: [gopher://dosfan.lib.vic.edu:70](http://dosfan.lib.vic.edu:70)); see also hard copy (Washington, D.C.: Government Printing Office, 1996).

equipped them adequately to handle the mass confrontations and civil unrest to which they have been recently been exposed. UMOPAR training was originally designed by U.S. Special Forces and stresses such skills as jungle survival, small unit tactics, and military-style operations. A reorientation in training is required for the UMOPAR to be able to undertake routine police functions in highly conflictive situations with appropriate regard for fundamental human rights.

In a welcome development since our prior report on Bolivia, the U.S. Embassy provided name tags for the UMOPAR. This small but significant step can help secure accountability for abuses as well as have a deterrent effect, as victims will now be in a position to identify those responsible.¹⁰⁰ But the contribution to human rights protection that name tags can make will be nullified if the Bolivian authorities do not follow up complaints with real investigations and disciplinary proceedings. U.S. officials also communicated to Bolivian officials their support for reforms to Law 1008, through the mechanism of the Law of Judicial Bond, that would eliminate certain provisions that flagrantly violated human rights standards.

IX. CONCLUSION

Human rights violations undermine the legitimacy of antinarcotic efforts, sabotaging public respect for law enforcement agencies and public willingness to abide by government policies. Ending those abuses in the Chapare requires a commitment by the Bolivian government to take the steps necessary to ensure adequate training, supervision, and control of the UMOPAR and effective institutions to ensure accountability for any abuses they commit. Those responsible for designing and implementing Bolivian antinarcotics programs must place human rights at the forefront of their concerns. However, as long as Bolivian officials believe the United States is more concerned with eradication quotas than human rights, they are unlikely to make respect for human rights a high priority. The Clinton administration must unequivocally signal its determination that human rights not be sacrificed for counternarcotic objectives. In the meantime, other Bolivian officials and entities, including the Ministry of Justice, have shown themselves to be energetic and courageous defenders of human rights. Their work offers promise for the effective protection of international human rights in Bolivia.

¹⁰⁰ In January we were able to observe that some, but not all, of the UMOPAR personnel we encountered were wearing name tags.

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