
BOLIVIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

Throughout 2009, the central Government continued to make significant progress in terms of structural changes, which began in 2005 when President Evo Morales came to power. Although less virulent, confrontations between those who support the Government and those who do not agree with its policies continued. While those who support the Government are, to a large extent, indigenous groups, peasants, and members of the working class, as well as a growing number of professionals and members of the middle class, those who oppose them are members of the ruling class and live in the so-called “Media Luna”. This area is made up of the eastern departments of Tarija, Santa Cruz, Beni and Pando, where there is much more economic growth and the main energy resources, such as gas and petroleum, are found.

In early 2009, under very hostile circumstances, a referendum¹ was held on whether the new Constitution² should be approved. A large majority endorsed the motion and the new Constitution came into effect on February 7. The new Constitution makes it possible for indigenous communities to have a greater say in Government matters and institutions³ and grants the State control over all of the country’s natural resources, thus establishing a series of measures that favour greater political participation and protect the most vulnerable sectors in society⁴. Furthermore, an important legal framework was established, which forbids discrimination “based on sex, race, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religion, ideology, political or philosophical affiliation, marital status, economic or social status, type of occupation, level of

1/ It is important to clarify that this process to get approval of the new Carta Magna was not free of high social tension, since it was - and is - resisted by the political leaders who hold power in the regions of Santa Cruz, Tarija, Chuquisaca, Beni and Prado.

2/ The new Constitution was passed by the Bolivian National Congress in October 2008.

3/ However, the Electoral Court still demands a military service ID as a prerequisite for voting. Since some indigenous communities do not cut their hair, and this is considered unacceptable for military service, these communities are, in a sense, disqualified from participating in electoral disputes.

4/ It is estimated that between 3.8 and 5 million Bolivians participated in the referendum and that more than 300 international observers from more than 11 countries were summoned - in particular, observers from the Organisation of American States (OAS), the European Union, the Union of South American Nations (UNASUR) and the Carter Centre from the United States were present.

education, disability, pregnancy, or other reasons that strive to or result in the lack of recognition or limited recognition, enjoyment or exercise of the equal rights of all people⁵. The Vice Ministry of Decolonisation, which depends on the Ministry of Culture, announced that it would adopt drastic measures to punish those who commit acts of racism and discrimination in the country⁶. Although this legal framework is very recent, the implications of its implementation can be already seen, since it represents a significant step forwards in terms of human rights. It should also help facilitate and protect the work of human rights defenders in Bolivia⁷.

According to what was stated in the new Constitution, Congress was supposed to approve a new Electoral Code that would allow general elections to be held on December 6, 2009. After the opposition refused to approve the electoral reform, the President gathered a group of 12 peasant union leaders and social leaders and began a hunger strike. Finally, after five days of protest, Congress approved the new law⁸. Despite the tension between Government supporters and the opposition, elections were held on December 6 and the current President, Mr. Evo Morales, received the support of 63% of registered voters.

One can welcome the improvement in terms of accountability in the investigation and explanation of crimes committed during the dictatorship insofar as, at the end of 2009, the Prosecutor General's Office called for the investigations into the deaths of Messrs. Marcelo Quiroga Santa Cruz, Renato Ticona and Juan Carlos Flores, among others, to be reopened so that their deaths may be explained and their remains found⁹. Furthermore,

5/ Article 14, paragraph II of the plurinational Constitution.

6/ See Bolivian Chapter of Human Rights, Democracy and Development and Human Rights Council, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolpho Stavenhagen - Mission to Bolivia*, United Nations Document A/HRC/11/11, February 18, 2009.

7/ It should be noted, however, that certain regions of the country are still polarised between the supporters of Mr. Evo Morales on one side and the opposition on the other. This polarisation places both the work and even the physical well-being of many human rights defenders who work in these areas at risk as soon as they are linked to or identified as Government supporters by opposition groups.

8/ The law confirmed general elections on December 6, 2009, a regional referendum in the provinces of Gran Chaco, La Paz, Oruro, Potosí, Cochabamba and Chuquisaca. Congress also approved the elaboration of new voter registration with biometric registration and overseas voting (so that for the first time in Bolivian history, emigrants will be able to vote). Furthermore, it should be noted that Law 4021 of the Temporary Voting System negated important indigenous rights that are established in the Constitution.

9/ See Bolivian Chapter of Human Rights, Democracy and Development. Mr. Marcelo Quiroga Santa Cruz was a journalist and writer linked to the Bolivian Workers' Centre (*Central Obrera Boliviana* - COB); Mr. Juan Carlos Flores Bedregal was a national representative of the Revolutionary Workers' Party (*Partido Obrero Revolucionario* - POR); and Mr. Renato Ticono Estrado was a teacher and university student. The three disappeared during Meza's dictatorship in 1980.

the Ministry of National Defence approved a resolution that states that the army must grant access of its archives to the family members of those who disappeared during the military dictatorships¹⁰.

Nevertheless, at the end of 2009, some leaders of indigenous groups, mainly the Aymara and Quechua, as well as NGOs that defend the rights of indigenous peoples, were still being politically persecuted, discouraged and threatened by opposition groups, mainly in departments of the “Media Luna”, the setting of political debate prior to the presidential elections on December 6. Because of their support for the so-called “process of change” public policies, various leaders suffered acts of intimidation, slander and libel that were diffused through private channels of communication. These people were targeted for being associated with the party in power, the Movement for Socialism (*Movimiento al Socialismo* – MAS), even though they are not actually supporters of the party¹¹.

In addition, the existence of “blacklists” in these areas of the country came to the public light. These lists are written by groups with ties to the opposition and include the names of activists, defenders and journalists whose work upsets these groups. Although the Government publicly condemned such acts, real investigations were not carried and protection was not provided for the victims.

Threats against human rights defenders

In 2009, there was no significant change and attacks against human rights defenders considered “followers” of President Morales continued. Those who defend the rights of vulnerable groups, mainly indigenous ones, were publicly discredited because their independent work is understood as part of Mr. Morales’s campaign for the common good. A clear example of this was the attempted assassination of Mr. **Miguel Gonzáles**, the Regional Head of the Centre for Legal Studies and Social Research (*Centro de Estudios Jurídicos e Investigación Social* – CEJIS)¹², in Trinidad, the capital of Beni. On February 27, 2009, Mr. Gonzáles was the victim of a firearm attack as he was driving in one of the organisation’s vehicles. Strangers fired at him from a motorcycle just a few blocks away from the CEJIS regional office in Trinidad, but the bullet did not hit him. The next day, the incident was reported to the Prosecutor’s Office in Trinidad. The victim’s vehicle remained in police custody so that the gunshots could

10/ See Bolivian Chapter of Human Rights, Democracy and Development.

11/ See Permanent Assembly for Human Rights in Bolivia (APDHB).

12/ The CEJIS works in the field of human rights from a social-legal perspective, in favour of democracy and justice. It is currently working mainly with indigenous people and peasants.

be examined, but an examination was never carried out and the car was returned to the CEJIS. The investigation into the attack was not taken seriously and the police concluded that it was a marble that had hit the car window. In late 2009, the police had yet to identify a suspect in the attack and the case was filed away because of a lack of evidence, according to the Public Ministry. On March 10, 2010, the Inter-American Commission on Human Rights (IACHR) received a request to extend the precautionary measures in favour of the CEJIS members at the office in Riberalta who were threatened and attacked in 2006¹³, and to expand these measures to the members at the office in Trinidad. The IACHR granted the requested extension so that the Bolivian State would protect those who worked for the organisation. Afterwards, members of the CEJIS held meetings with the Police Chief of Department, the Commander of the Special Forces in the Fight Against Crime (*Fuerza Especial de la Lucha Contra el Crimen* – FELCC) and the Chief of Citizen Security at the Prefecture in Beni. However, the public servants said that it would be impossible to provide effective protection for lack of personnel and financial resources, which would be needed to hire a bodyguard for Mr. Gonzáles. They indicated that the CEJIS would have to cover these costs itself¹⁴. Furthermore, Mr. **Tito Pérez**, the lawyer who brought the case of Guarani lawyer Ramiro Valle¹⁵ to court, reported that on September 13, 2009, he was identified and pointed at by groups of landowners, cattle farmers, civic and municipal authorities during his stay in the city of Camiri. Fearing that he would be followed, Mr. Pérez fled to the main square and hid amongst the crowd. The next day, Mr. Pérez reported the incident; however, the police did not pay any attention to him¹⁶. The defenders who fight against impunity in the massacre of peasants that occurred on September 11, 2008 in Porvenir, Pando department, were also victims of persecution and harassment. For example, members of the Steering Committee for the Trial Against Mr. Leopoldo Fernández (*Comité Impulsor para el Juicio contra el Sr. Leopoldo Fernández*)¹⁷, which consists of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* – APDHB), the Association for Relatives of the Detained-Disappeared (*Asociación de Familiares de Detenidos-Desaparecidos* –

13/ There were attacks on members of the CEJIS in 2006, after which the Organisation of American States (OAS) IACHR granted precautionary measures so that the Bolivian State would protect CEJIS workers.

14/ See CEJIS.

15/ Mr. Ramiro Valle was one of the victims who was kidnapped and tortured on April 13, 2008 by a violent group of landowners, cattle farmers, and civic and municipal authorities from the town of Cuevo in Chaco Cruceño.

16/ See CEJIS.

17/ Mr. Leopoldo Fernández was the Prefect of Pando when the massacre occurred. He is currently being detained and was charged with the murder of at least 13 people.

ASOFAM) and the Bolivian Chapter of Human Rights, Democracy and Development (*Capítulo Boliviano de Derechos Humanos, Democracia y Desarrollo* – CBDHDD) were constantly harassed in 2009 for investigating and compiling information from witnesses of the massacre¹⁸.

Threats against journalists

Journalists dedicated to investigating and reporting on the various violent incidents that have kept occurring in Bolivia were also persecuted in 2009. The method of intimidation was usually through the use of threats. For example, one of the ways in which the press was harassed was through “blacklists”, which include the names of the journalists whose work bothers certain sectors of society. The threat to the physical well-being and even the lives of the people whose names appear on these lists constitutes in itself a serious restriction to the freedom of the press. A clear example of this was the resignation of Mr. **Andrés Rojas** from his job as Editor-in-Chief of *Channel 57 Virgen de Copacabana* after his name appeared on one of these “blacklists”. The addition of his name was motivated by his journalistic work on the massacre that occurred at the hands of the army in October 2003, under Mr. Gonzalo Sánchez de Losada’s Government, in the area around the city of El Alto. It should be noted that Mr. Rojas had made statements that indicate that, even though the Government authorities expressed their solidarity, there were no efforts to uncover those responsible for the threats¹⁹. In 2009, there were also repeated deaths threats against the Editor-in-Chief of the newspaper *La Prensa*, Mr. **Carlos Morales**, and his publisher, Mr. **Rafael Ramírez**, through calls to their mobile and home phone numbers from strangers who warned them to stop “publishing lies” because they knew where they lived and were going to kill them. These threats occurred following the publication of an article that denounced the alleged link between a member of the Bolivian Government and “organised gangs” in Pando²⁰.

Urgent Intervention issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Miguel Gonzáles / Centre for Legal Studies and Social Research (CEJIS)	Assassination attempt	Urgent Appeal BOL 001/0309/OBS 035	March 4, 2009

18/ See APDHB.

19/ See Reporters Without Borders (RSF) Press Release, April 16, 2009.

20/ *Idem*.