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PUBLIC STATEMENT

BOLIVIA MUST URGENTLY CREATE A TRUTH COMMISSION TO CLARIFY PAST HUMAN RIGHTS VIOLATIONS

Amnesty International calls on the authorities – and in particular the Plurinational Legislative Assembly – to prioritize the debate on establishing a Truth Commission during this new parliamentary session (2016-2017), which began on 22 January. Such a Commission would enable full and truthful information to be brought to light on the grave human rights violations committed in Bolivia during the 18 years of military and authoritarian governments (1964-1982). The work of the Commission would also assist judicial proceedings relating to grave violations to progress and contribute to ensuring comprehensive reparation for the victims and their relatives.

A Bill for the creation of a Truth, Justice and Reparations Commission has been drafted in recent months by several victims' organizations; this Bill is currently before the Plurinational Legislative Assembly.

By prioritizing the speedy consideration of the Bill, the Legislative Assembly would be taking a first step in addressing the legitimate concerns of victims and their relatives. Year after year, they have sought to keep alive the memory of all those who were tortured, forcibly disappeared and arbitrarily detained in Bolivia during this dark period in the country's history. To date, those responsible for these crimes have enjoyed complete impunity. It is estimated that at least 150 people were forcibly disappeared and thousands more were the victims of violations of the rights to life and humane treatment or of restrictions of their freedoms.

The establishment of a Truth Commission is extremely important in order to remember, record and clarify these historical events. This duty is owed not only to the victims and their families, but also to society as a whole, which also has the right to know what happened at that time in order to prevent anything similar from happening again in the future.

Many of the victims and relatives who are still actively demanding their rights are now elderly. It is therefore crucial that the creation of a Truth Commission be treated as a priority so that they can participate, contribute their invaluable testimony and have their rights before the law recognized.

The creation of the Truth Commission would also be consistent with the public commitment made by the Bolivian authorities, in the context of a public hearing before the Inter-American Commission on Human Rights in March 2015, to promote victims' rights to truth, justice and reparation.

The outcome of a Truth Commission would also provide a much-needed boost to the belated and unsuccessful efforts made so far to locate the victims of enforced disappearance in Bolivia. And while such a Commission cannot be a substitute for judicial proceedings, it would contribute to the prosecution and punishment of those responsible for these and other grave violations committed during this period of unconstitutional government.

Amnesty International hopes that the Plurinational Legislative Assembly will prioritize consideration of this Bill and ensure the establishment of an autonomous and independent Commission, with access to all information and files. This should include access to military archives, which has so far not been possible, despite several court orders and a Ministry of Defence declaration.

Bolivia now has the choice of either going down in history as a state that ignores its victims or as one that recognizes them as such in the framework of its international obligations to truth, justice and reparation.

Amnesty International reiterates that only by choosing the second path will the country turn the page and send a clear message that the terrible violations committed during the 18 years of military rule not happen again.

Background information

In recent years, various human rights bodies have issued reports with recommendations for the Plurinational State of Bolivia on its failure to fulfil its obligations to ensure truth, justice and reparation for what happened under the military and authoritarian regimes.

In 2013, the Human Rights Committee of the United Nations (UN) emphasized that Bolivia was not doing enough to prosecute the perpetrators and ensure reparation for the victims. In recent years, the UN Office of the High Commissioner for Human Rights in Bolivia has issued similar statements in their annual reports.

In March 2015, victims' organizations appeared at a thematic hearing on Bolivia before the Inter-American Commission on Human Rights. Among their demands was the creation of a Truth Commission that could expose the human rights violations that occurred during 18 years of military rule. The Minister of Justice, who headed the delegation of the Plurinational State of Bolivia at the hearing, noted the demands and publicly pledged to work with victims.

Amnesty International and the NGO Cejil (Center for Justice and International Law) were also present at the hearing and welcomed the Minister's announcement and the subsequent commitment made by representatives of the Attorney General to work specifically for the creation of a truth commission. In addition, the Plurinational State expressed support for a truth commission when it accepted a specific recommendation on this in the context of the UN Universal Periodic Review of Bolivia adopted in 2015.