

AMNESTY INTERNATIONAL - PUBLIC STATEMENT

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BOLIVIA: GOVERNMENT MUST REFRAIN FROM HARASSING AND THREATENING POLITICAL OPPONENTS AND RESPECT JUDICIAL INDEPENDENCE

The government must respect judicial independence and refrain from harassing and threatening political opponents through the use of legal provisions, criminal proceedings, public statements and detention. The State Attorney General's Office must carry out an investigation into the arrest of Judge Hugo Huacani and bring those suspected of criminal responsibility to justice.

On 22 May, Judge Hugo Huacani was detained by the police in La Paz shortly before the start of a hearing in proceedings against the recently dismissed former health minister, Marcelo Navajas, and other officials in the current government who are accused of purchasing respirators at an inflated price in the context of the COVID-19 pandemic. On 23 May, Judge Huacani was released following a court decision that, according to available information, declared his detention unlawful.

That same day, the La Paz Attorney General's Office reported that it had not participated in the judge's arrest or issued an arrest warrant against him. On 24 May, the [Ministry of the Interior admitted in a statement](#) that it had ordered his arrest because it disagreed with the judge's decision to end the pre-trial detention of another person who was being prosecuted in a terrorism case brought against the former Minister of the Presidency and member of the opposition Movement for Socialism party, Juan Ramón Quintana. <https://www.facebook.com/photo/?fbid=2962368600483262&set=a.1298153010238171>

Amnesty International considers that the detention of Judge Huacani was arbitrary because it was based solely on the fact that the government authorities disagreed with a judicial decision. Furthermore, his detention and the accusations of the Ministry of the Interior could affect the independence of a judicial process to clarify criminal responsibility for the alleged misuse of resources intended to safeguard the life and health of patients in need of intensive care in the context of the COVID-19 pandemic.

In this context, also on 23 May, the [Minister of the Interior](#) declared, in relation to the case of the ratification of promotions of armed forces personnel by the Legislative Assembly: "I believe that the Legislative Assembly is committing a serious crime... It is trying to harm the military and the military are upset... But Assembly Members must understand that they are liable to be brought to trial for failing to carry out their duties. <https://www.facebook.com/watch/?v=3329667180377894> <https://www.facebook.com/watch/?v=3329667180377894> It is punishable with prison. Be warned. And deputies and senators do not have diplomatic immunity. Be careful that you don't find yourselves in prison tomorrow and say that it is political persecution."¹

It is important to note that the armed forces played a key role in the repression of social protest in November 2019, when [the authorities responded violently to criticism, protests and scrutiny by the media, as well as violence carried out by third parties. According to the Inter-American Commission on Human Rights, at least 35 people lost their lives and more than 500 others were injured by the violent actions of the armed forces and the police against protesters](#); those responsible have yet to be brought to justice. <https://www.amnesty.org/es/latest/news/2019/11/bolivia-derogar-norma-impunidad-fuerzas-armadas> <https://www.oas.org/es/cidh/prensa/comunicados/2019/321.asp>

The harassment and threats targeting political opponents, or those perceived as such, comes on top of other incidents about which Amnesty International has expressed concern, such as public threats issued by current government authorities against political leaders accused of "misinformation" and against journalists accused of "sedition"; the arrest of "67 political

¹ Original quote: "Yo creo que la Asamblea Legislativa está cometiendo un grave delito (...) Está tratando de perjudicar a los militares y los militares están molestos (...) Pero lo que sí deben saber los de la Asamblea, que son pasibles a un juicio por incumplimiento de deberes. Tiene cárcel. Cuidado. Y los diputados y senadores no tienen inmunidad diplomática. Cuidado que mañana estén en la cárcel y digan que es persecución política".

actors” accused of participating in “destabilization and disinformation movements” and of waging a “virtual war” against the government; and the issuing of Supreme Decree 4200, which violates the right to freedom of expression by providing for the prosecution of anyone who “misinforms or generates uncertainty in the population” for crimes against public health.<https://www.amnesty.org/download/Documents/AMR1821712020SPANISH.pdf>

In response to these concerns, on 26 May 2020, Amnesty International received a public letter from the Bolivian Government, signed by Ambassador Manuel Suárez Ávila, Deputy Minister of Foreign Affairs. In this letter, the Deputy Minister accuses Amnesty International of being “biased” and ignoring the situation and Bolivian legislation and gives assurances that due process guarantees were respected for the 67 people detained and prosecuted for “crimes against public health”. However, the Deputy Minister did not provide the other information requested by the organization; that is, whether criminal proceedings against these people were based on Article 13.II of Supreme Decree 4,200, the detailed facts of what they were alleged to have done and the circumstances of their detentions, including basic information such as the date, time and place in which they occurred as well as the authority that carried them out.

Amnesty International is concerned at the atmosphere of harassment and threats against political opponents or those perceived as such. Furthermore, such harassment could unduly limit freedom of expression in the country by giving rise to censorship of political leaders, journalists and human rights defenders, including health workers. This may be seen by other powerful actors as a dangerous message that acts that threaten or censor opposing opinions will be tolerated and give a carte blanche for impunity.

Amnesty International strongly urges the government authorities to respect judicial independence and refrain from harassing political opponents, or those perceived as such, either through legal provisions, criminal proceedings, public statements or detention. Finally, the State Attorney General's Office must carry out a prompt, impartial and independent investigation into the arrest of Judge Huacani and bring those suspected of criminal responsibility to justice.

FURTHER INFORMATION

On 23 April, Colonel José María Velasco, Director of the Special Force to Fight Crime (FELCC) in Santa Cruz, reported that, in accordance with Supreme Decree 4200, a person allegedly linked to the Movement for Socialism party had been detained and was facing prosecution for, among other things, “misinformation”, criticizing the government, inciting civil unrest and describing what happened in Senkata as a massacre on WhatsApp groups.

On 14 May, the government announced the repeal of the provisions of supreme decrees that criminalized freedom of expression² and affirmed its “duty to protect the supreme value of the life and security of Bolivians in the face of threats of violence and attacks against the quarantine that ex-President Evo Morales and his followers promote daily.” In light of this, Amnesty International called on the authorities to review the criminal proceedings and convictions based on those provisions and to refrain from harassing and threatening political opponents.

On 21 May, the Commander-in-Chief of the Armed Forces, Major General Sergio Orellana, and a group of soldiers appeared in the Bolivian Senate and demanded that promotions in the different branches of the armed forces be approved. General Orellana gave the Senate a week to ratify the promotions. He stated that if they failed to do so, he would [immediately apply the Organic Law of the Armed Forces](#) and the Command itself would approve them.https://www1.abi.bo/abi_/?i=450176&k=202005210415 These events gave rise to the statement by the Minister of the Interior threatening the representatives of the Legislative Assembly with possible prosecution for failing to fulfil their duties.

² Additional Sole Provision of Supreme Decree 4231, Paragraph II, Article 13 of Supreme Decree 4200 and Paragraph II of Article 7 of Supreme Decree 4199.