



## HEALING THE PANDEMIC OF IMPUNITY

20 HUMAN RIGHTS RECOMMENDATIONS FOR CANDIDATES IN THE  
2020 PRESIDENTIAL ELECTIONS IN BOLIVIA

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**Cover photo:** Police officers fire tear gas at a group carrying the coffin of one of those who died in Senkata during the funeral procession in La Paz on 21 November 2019. ©Gaston Brito Miserocchi/Getty Images

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# 1. EXECUTIVE SUMMARY

In the wake of the 20 October 2019 elections, Bolivia has experienced a grave social, political and human rights crisis which has gone through three specific identifiable phases. The first phase took place between 20 October, the day of the elections, and 10 November, the date on which the then president, Evo Morales, resigned. The second, was between 10 and 12 November, when there was a power vacuum in the Executive. And the third phase, under the interim presidency of Jeanine Áñez, began on 12 November and continues to the present.

In the context of this post-election crisis, human rights violations have been perpetrated, including the use of excessive and unnecessary force by the National Police and the Armed Forces to repress demonstrations. According to information gathered by Amnesty International, at least 35 people have died and 833 have been injured in the context of the protests since October 2019. These human rights violations have not been adequately investigated, tried and punished, resulting in impunity.

It should be noted that at different phases of the post-election crisis, officials at the highest levels, as well as former government officials and groups linked to them, have issued statements containing calls for violence. Human rights defenders, journalists, social communicators and political opponents or people perceived as such, also continue to report harassment, attacks and threats. At the same time the country is facing the COVID-19 pandemic, which has had a greater impact on Indigenous Peoples.

Since the start of the post-election crisis, social protest has become the vehicle through which various political and social movements, individuals, groups and organizations, have expressed their support or dissatisfaction regarding political events in the country. In the context of these protests, Amnesty International has received reports of attacks against human rights defenders, social communicators and journalists, as well as reports of agents of the state using excessive and unnecessary force to repress demonstrations.

There has been a notable deterioration in the situation faced by human rights defenders in Bolivia. In the last years of the Evo Morales government, senior government officials, including the former President himself, made statements that called into question the work of national and international civil society organizations and raised doubts regarding the obligation of the Bolivian authorities to protect and guarantee the right to freedom of expression, association and peaceful assembly.

In the context of the post-election crisis, human rights defenders, such as Waldo Albarracín, continue to be threatened and harassed while criminal investigations into attacks on them remain stalled and the state fails to provide human rights defenders with appropriate protection so that they can carry out their legitimate work. Bolivia has, therefore, failed to fulfil its obligation to protect human rights defenders and to guarantee a safe and enabling environment for them to carry out their work and exercise their right to defend human rights.

Journalists and social communicators maintain that the right to freedom of expression is being unduly restricted in Bolivia by means of threats, attacks and attempts to silence journalists, the media and national and international social communicators. The interim government has created a climate of fear and censorship through its public statements and has targeted those journalists and social communicators who are critical of the administration.

On 14 November 2019, the government of Jeanine Áñez issued Decree 4078, which provided for the participation of the Armed Forces in “the defence of society and the maintaining of public order, in support of the forces of the National Police”. In addition, under this Decree, Armed Forces personnel who participate in operations to restore internal order and public stability were exempt from criminal and personal responsibility “when, in accordance with their constitutional functions, they act in legitimate defence or a state of necessity, observing the principles of legality, absolute necessity and proportionality”. After the Decree came into force, the National Police and the Armed Forces carried out joint operations to police demonstrations and there were reports of excessive and unnecessary use of force, for example in Sacaba and Senkata, where the presence of armed protesters was also reported. The events in Sacaba and Senkata have not been clarified by the appropriate authorities and so remain shrouded in impunity.<sup>1</sup>

The post-election crisis has also been characterized by harassment and threats targeting political opponents and those perceived as such by the interim government; public threats against political leaders accused of spreading “misinformation” and journalists accused of “sedition”; and accusations of participating in “destabilization and disinformation movements” and conducting a “virtual war” against the government.

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<sup>1</sup> For an analysis of the events in Sacaba and Senkata, see Chapter 4.

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. It may also be understood by other powerful actors as a dangerous message of intolerance towards actions that threaten or censor contrary opinions and as *carte blanche* for impunity.

In addition, in the context of the COVID-19 pandemic, the government has adopted a series of measures, such as Decrees 4199, 4200 and 4231, among others, which use the need to respond to the pandemic as a pretext to try and silence those who question their policies. Amnesty International notes that these laws violated the right to freedom of expression and allowed the authorities to launch criminal prosecutions against health workers, journalists and political leaders who express opinions that are critical of government policies.

Another aspect of the post-election crisis is the attacks on judicial independence, as witnessed in criminal proceedings for alleged misuse of resources allocated for the purpose ensuring the life and health of patients needing intensive care during the COVID-19 pandemic. Amnesty International notes that corruption can affect and hinder the enjoyment and exercise of human rights and must be investigated and punished as appropriate.

Finally, the organization is concerned that Indigenous Peoples are being disproportionately affected by the pandemic as they are in a situation of greater vulnerability. Amnesty International notes how their right to participate in decision-making processes on issues that affect their rights continues to be undermined and, in the context of the pandemic, this has resulted in the lack of a public health policy to protect them and in an increase in the use of racist rhetoric that stigmatizes and discriminates against them.

New presidential elections are due to take place on 18 October 2020.<sup>2</sup> In this report Amnesty International sets out 20 recommendations to the presidential candidates in order to contribute to ensuring that the history of impunity is not repeated and that the country can emerge from the human rights crisis conclusively with truth, justice and reparation.

Given that the current context continues to be one of deep political polarization and that victims, their families and many human rights defenders do not have confidence in the Bolivian authorities to uncover the truth of what happened and to ensure justice, truth and reparation for human rights violations, the main recommendation is for the prompt establishment of an independent justice mechanism.

The current interim government of Bolivia has agreed with the Inter-American Commission on Human Rights (IACHR) on the creation of an International Group of Independent Experts (Grupo Internacional de Expertos Independientes, GIEI) to clarify the events cited above. Amnesty International welcomes this commitment and calls on all presidential candidates to support it and emphasizes that the independence of the GIEI is essential in order to determine and clarify the acts of violence and human rights violations committed in the country.

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<sup>2</sup> On 24 November, the Acting President enacted the Law on the Exceptional and Transitory Regime for the holding of general elections. This law annulled the elections of 20 October 2019 and called new elections, initially for 31 May 2020. The elections had to be postponed due to the COVID-19 pandemic (Law No. 1266, Exceptional and Transitory Regime for the holding of general elections, 24 November 2019). In June 2020, the Legislative Assembly approved the bill that set 6 September 2020 as the latest deadline for the holding of elections. On 21 June, the Interim President announced that "due to pressure from politicians and different authorities...despite the presence of COVID-19 in the country" the Law was promulgated calling elections on 6 September. (Law No. 1297, Law postponing the 2020 General Elections, convened for Sunday 3 May 2020 by the Supreme Electoral Tribunal, taking into account the health emergency and the state measures to prevent and address this, arising from the Coronavirus pandemic (COVID-19), which make it impossible to hold the elections on the scheduled date, 30 April 2020). On 23 July 2020, the Supreme Electoral Tribunal issued a statement in which it indicated that after analysing "considerations of a scientific, legal and socio-political nature, in the full exercise of its powers, respecting the requirement of the Law that the electoral process considers scientific parameters and has sufficient health security measures, the TSE has resolved to set polling date for the general election for Sunday, 18 October 2020, with a potential second round on 29 November and the installation of officials in December".

## 2. BACKGROUND

On 20 October 2019, general elections were held in Bolivia for the president, vice president, 36 senators and 130 deputies of the Plurinational Legislative Assembly and representatives of Supranational Parliamentary Bodies for the 2020-2025 term of government.

**In the initial phase**, amid protests and allegations of electoral fraud, then President Evo Morales, candidate for the Movement for Socialism - Political Instrument for the Sovereignty of the Peoples (Movimiento al Socialismo - Instrumento Político por la Soberanía de los Pueblos, MAS-IPSP), declared that he had won the elections by a margin that precluded the need for a second round of elections against the opposition candidate, Carlos Mesa. That same day, President Morales declared victory at a press conference held at the Palacio Quemado.<sup>3</sup> In response, the following day, the opposition candidate for the Civic Community (Comunidad Ciudadana) party, Carlos Mesa, called on people to mobilize to “defend the popular vote that leads to a second round.”<sup>4</sup>

On 23 October, at a press conference President Morales declared “before the Bolivian people and the entire world, that a coup is under way, prepared by the right with international support for a coup d’état... I say to the Bolivian people, first, a state of emergency and a peaceful and constitutional mobilization to defend democracy.”<sup>5</sup> The following day, the President also declared at a press conference “we already won [the elections] in the first round.”<sup>6</sup>

In the days following the elections, protests intensified between supporters of President Morales, who stated that this was a coup d’état, and the opposition, who stated that there had been electoral fraud. President Morales declared that there was a “state of emergency”.<sup>7</sup> However, Bolivian legislation contains no provision for such a measure.<sup>8</sup> During this period, there were public complaints of excessive and unnecessary use of force by the National Police, including statements by international human rights organizations - such as the Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>9</sup> and the Inter-American Commission on Human Rights (IACHR),<sup>10</sup> who called on the authorities to respect the right to peaceful protest.

On 8 November, after several days of violent protests, the Cochabamba Police declared a mutiny against the government. Hours later, they were joined by police in Sucre, Tarija, Oruro and Santa Cruz.<sup>11</sup> The La Paz

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<sup>3</sup> Video Facebook Live from the account of Evo Morales, [https://www.facebook.com/watch/live/?v=403894457217023&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=403894457217023&ref=watch_permalink) (last accessed 15 June 2020).

<sup>4</sup> Fides News Agency, ‘Mesa calls for mobilization to defend the popular vote that leads to a second round’, 21 October 2019, [https://www.noticiasfides.com/nacional/politica/mesa-llama-a-la-movilizacion-para-defender-el-voto-popular-que-lleva-a-la-segunda-vuelta-401755?fbclid=IwAR0oTJRcyvO9L8BPCVmb\\_7EnBKa0eaxLb1kAyhUEgkRrKw9Y8X1Vzgyrn4](https://www.noticiasfides.com/nacional/politica/mesa-llama-a-la-movilizacion-para-defender-el-voto-popular-que-lleva-a-la-segunda-vuelta-401755?fbclid=IwAR0oTJRcyvO9L8BPCVmb_7EnBKa0eaxLb1kAyhUEgkRrKw9Y8X1Vzgyrn4) (last accessed 15 June 2020) [Spanish only].

<sup>5</sup> Government of the Plurinational State of Bolivia, Morales denounces the attempted coup and calls on the people to defend democracy peacefully, <http://presidencia.gob.bo/index.php/prensa/noticias/999-morales-denuncia-intento-de-golpe-de-estado-y-llama-al-pueblo-a-defender-la-democracia-de-forma-pacifica> <https://www.youtube.com/watch?v=VMJmjBmsIHl> [Spanish only]. Evo Morales “I call on our people, international organizations, institutions and personalities to defend democracy. We declare ourselves to be in a state of emergency and in a peaceful, constitutional and permanent mobilization to defend the democracy that has cost #Bolivia so much”, 23 October 2019. See <https://twitter.com/evoespueblo/status/1187000104709951493> (last accessed 17 June 2020) [Spanish only].

<sup>6</sup> See CNN en español, Press Conference, 24 October 2019, <https://www.youtube.com/watch?v=fYbrcxTNS6I> (last accessed 11 June 2020), [Spanish only].

<sup>7</sup> Government of the Plurinational State of Bolivia, Morales denounces the attempted coup and calls on the people to defend democracy peacefully, <http://presidencia.gob.bo/index.php/prensa/noticias/999-morales-denuncia-intento-de-golpe-de-estado-y-llama-al-pueblo-a-defender-la-democracia-de-forma-pacifica> and <https://www.youtube.com/watch?v=VMJmjBmsIHl> [Spanish only]. Evo Morales “I call on our people, international organizations, institutions and personalities to defend democracy. We declare ourselves to be in a state of emergency and in a peaceful, constitutional and permanent mobilization to defend the democracy that has cost #Bolivia so much”, 23 October 2019. See <https://twitter.com/evoespueblo/status/1187000104709951493> (last accessed 17 June 2020) [Spanish only].

<sup>8</sup> The Bolivian legal system contains provision for a “state of exception”, Article 137 of the Constitution of the Plurinational State of Bolivia. “In the event of danger to the security of the State, external threat, internal unrest or natural disaster, the President shall have the power to declare a state of exception, in all or part of the territory where this may be necessary. The declaration of the state of exception may not under any circumstances suspend the guarantees of rights, nor the fundamental rights, the right to due process, the right to information and the rights of persons deprived of liberty.” In accordance with Article 138 of the Constitution for the state of exception to come into effect it must be approved by the Legislative Assembly.

<sup>9</sup> OHCHR, Press briefing note on Bolivia: Spokesperson for the UN High Commissioner for Human Rights, 25 October 2019, [https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25205&LangID=E&fbclid=IwAR0mmm02UWEA-H\\_n5YmZmmZ81F5QNiZFx\\_LT1vdIN5WdKSP-SQiAUqSlpo0](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25205&LangID=E&fbclid=IwAR0mmm02UWEA-H_n5YmZmmZ81F5QNiZFx_LT1vdIN5WdKSP-SQiAUqSlpo0) (last accessed 22 June 2020).

<sup>10</sup> IACHR, IACHR Concerned about Violence during Electoral Process in Bolivia, 23 October 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/268.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/268.asp) (last accessed 22 June 2020).

<sup>11</sup> Diario Opinión, Four cities join the police mutiny; others remain on alert, 8 November 2019, <https://www.opinion.com.bo/articulo/pais/oruro-sucre-suman-motin-policial-otras-ciudades/20191108194245736099.html> (last accessed 22 June 2020) [Spanish only].

Police joined the mutiny on 9 November.<sup>12</sup> That same day, President Morales called on all Bolivian political forces to enter into dialogue to bring peace to the country.<sup>13</sup>

Between 9 and 10 November, educational institutions, such as the Public University of El Alto (UPEA);<sup>14</sup> union organizations, such as the Central Obrera Boliviana (COB);<sup>15</sup> and mining cooperatives, such as Potosí,<sup>16</sup> publicly called for the resignation of President Morales. On 10 November, the Organization of American States published the preliminary findings of its electoral integrity analysis, which was carried out following an agreement signed with the Bolivian authorities. The findings concluded that there had been irregularities “ranging from very serious to indicative of something wrong. This leads the technical audit team to question the integrity of the results of the election on October 20, 2019”.<sup>17</sup> The audit team recommended the holding of another election overseen by new electoral authorities.<sup>18</sup>

That same day, the then Commander-in-Chief of the Armed Forces, Williams Kaliman, accompanied by the military high command, issued a statement in which he stated that “in light of the escalation of internal conflict affecting the country and in order to ensure the life and security of the population and guarantee the rule of the Political Constitution of the State, in accordance with article 20 of the Organic Law of the Armed Forces, and after analysing the situation of internal conflict, we ask the President of State to renounce his presidential mandate to allow peace to be restored and the maintenance of stability, for the good of Bolivia”.<sup>19</sup> The same day, the General Commander of Police, Yuri Calderón, issued a statement in which he indicated his support for “the request of the Bolivian people in asking President Evo Morales to resign in order to restore peace to the Bolivian people in these difficult times.”<sup>20</sup>

President Morales resigned hours later, along with Vice-President Álvaro García Linera,<sup>21</sup> and the protests intensified.

Between 10 and 11 November, events entered a **second phase** during which there was a power vacuum in the Executive. In those two days, mobilizations continued and there were attacks and cases of attempted arson on property belonging to journalists and human rights defenders, such as the setting on fire of Waldo Albarracín’s home by supporters of Evo Morales’ party, MAS. Attacks against the assets of the families of officials of the outgoing government were also reported. The National Police publicly called for the support of the Armed Forces to carry out joint operations to restore order.

On 12 November, amid questions about constitutional succession following the resignation of the President, Vice-President and President of the Senate, developments entered a **third phase**: the Vice-President of the Senate, Jeanine Áñez, first assumed the Presidency of the Senate and then the position of Interim President, in accordance with Article 169 of the Constitution,<sup>22</sup> with a mandate to call new presidential elections. The same day the Plurinational Constitutional Court acknowledged Áñez’s assumption of the presidency.<sup>23</sup>

On 24 November, the Acting President enacted the Law on the Exceptional and Transitional Regime for the holding of general elections<sup>24</sup> by means of which she annulled the elections of 20 October 2019. This Law

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<sup>12</sup> Fides News Agency, ‘La Paz police riot and withdraw to the UTOP, Palace of government left unguarded’, 9 November 2019, <https://www.noticiasfides.com/nacional/seguridad/policias-de-la-paz-se-amotinan-y-repliegan-a-la-utop-palacio-queda-sin-resguardo-402285> (last accessed 22 June 2020) [Spanish only].

<sup>13</sup> President Morales’ Press Conference, 9 November 2019, <https://youtu.be/m7YeghKbPAo> (last accessed 22 June 2020) [Spanish only].

<sup>14</sup> Fides News Agency, ‘UPEA distances itself from the government, asks for the resignation of Evo and the members of the TSE’, 9 November 2020, <https://www.noticiasfides.com/nacional/politica/upea-se-aparta-del-gobierno-pide-renuncia-de-evo-y-de-los-vocales-del-tse-402296> (last accessed 22 June 2020) [Spanish only].

<sup>15</sup> *Los Tiempos*, ‘COB asks Evo Morales to resign to bring peace to the country’, 10 November 2019, <https://www.lostiempos.com/actualidad/pais/20191110/cob-le-pide-evo-morales-renunciar-pacificar-al-pais> (last accessed 22 June 2020), [Spanish only].

<sup>16</sup> Fides News Agency, ‘More than 2,500 miners from Potosí travel to La Paz to press for Morales’ resignation’, 9 November 2019, <https://www.noticiasfides.com/nacional/politica/mas-de-2500-mineros-de-potosi-viajan-a-la-paz-para-presionar-la-renuncia-de-morales-402292> (last accessed 22 June 2020) [Spanish only].

<sup>17</sup> Organization of American States, Statement of the Group of Auditors Electoral Process in Bolivia, E-099/19, 10 November 2019, [https://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-099/19](https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-099/19), p. 12.

<sup>18</sup> Organization of American States, Statement of the Group of Auditors Electoral Process in Bolivia, E-099/19, 10 November 2019, [https://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-099/19](https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-099/19), p. 13.

<sup>19</sup> La Razón Digital, video on Twitter, 10 November 2019, [https://twitter.com/LaRazon\\_Bolivia/status/1193621325505585158](https://twitter.com/LaRazon_Bolivia/status/1193621325505585158) (last accessed 22 June 2020) [Spanish only].

<sup>20</sup> Bolivian Police Twitter account @Pol\_Boliviana, 10 November 2019, [https://twitter.com/Pol\\_Boliviana/status/1193621777081159682](https://twitter.com/Pol_Boliviana/status/1193621777081159682) (last accessed 22 June 2020) [Spanish only].

<sup>21</sup> Evo Morales Ayma’s resignation letter, Bolivia TV Oficial, see [https://twitter.com/Canal\\_BoliviaTV/status/1193932163739267092](https://twitter.com/Canal_BoliviaTV/status/1193932163739267092) (last accessed 22 June 2020) [Spanish only].

<sup>22</sup> Article 169.I “In case of impediment or permanent absence of the President, s/he will be replaced in office by the Vice President and, in the absence of the Vice President, by the President of the Senate, and in his/her absence by the President of the Chamber of Deputies. In the latter case, new elections will be called within a maximum period of 90 days.”

<sup>23</sup> Resolution of the Plurinational Constitutional Court, 12 November 2019

<https://twitter.com/LosTiemposBol/status/1194397843617923072/photo/2> (last accessed 22 June 2020) [Spanish only].

<sup>24</sup> Law No. 1266, Exceptional and Transitory Regime for the holding of general elections, 24 November 2019.

called for a new electoral process, which was initially scheduled for 3 May 2020 and subsequently postponed because of the COVID-19 pandemic.<sup>25</sup>

In June 2020, the Legislative Assembly approved the bill that established 6 September 2020 as the latest deadline for the holding of elections. On 21 June, the Interim President announced that “due to pressure from politicians and different authorities...despite the presence of COVID-19 in the country”<sup>26</sup> the Law was promulgated calling elections on 6 September.

However, on 23 July 2020, the Supreme Electoral Tribunal (TSE) issued a statement in which it indicated that after analysing “considerations of a scientific, legal and socio-political nature, in the full exercise of its powers, respecting the requirement of the Law that the electoral process considers scientific parameters and has sufficient health security measures, the TSE has resolved to set polling date for the general election for Sunday, 18 October 2020, with a potential second round on 29 November and the installation of officials in December”.<sup>27</sup>

## 2.1 INVOLVEMENT OF THE ARMED FORCES IN POLICING PROTESTS

The protests organized by MAS supporters continued and, on 14 November, the government issued Decree 4078,<sup>28</sup> which provided for the participation of the Armed Forces in “the defence of society and maintaining public order” and exempted from criminal liability Armed Forces personnel who take part in operations to restore internal order and public security “when in accordance with their constitutional functions, they act in legitimate defence or a state of necessity, observing the principles of legality, absolute necessity and proportionality”.

After the Decree came into force, the National Police and the Armed Forces carried out joint policing operations during demonstrations and there were reports of excessive and unnecessary use of force. The media also reported that armed protesters were present during the events that took place in Sacaba on 15 November and Senkata on 19 November which resulted deaths and dozens injuries.<sup>29</sup> The State Attorney General, Juan Lanchipa Ponce, reported on 22 November that between 20 October and 22 November, the Institute of Forensic Investigations (IDIF) carried out 27 autopsies of people killed in the context of the protests, of whom 25 died as a result of gunshot wounds and two of other causes.<sup>30</sup> According to publicly available information from the Ombudsman’s Office, 35 people died between 30 October and 28 November and 833 were injured between 24 October and 23 November.<sup>31</sup>

During the crisis, several cities were inaccessible, causing food and fuel shortages. There were also reports of threats and attacks against journalists and other violations of the right to freedom of expression.

On 27 November, following domestic and international pressure, Acting President Jeanine Áñez annulled Decree 4078.<sup>32</sup> At this point, **the Armed Forces**, which had been one of the key actors in the resignation of former President Evo Morales and in the repression of the social protest in November 2019, **exerted further pressure on the Legislature**. On 21 May 2020, the Commander-in-Chief of the Armed Forces, Major General Sergio Orellana, and a group of soldiers appeared in the Bolivian Senate to demand the approval of promotions in the different branches of the Armed Forces. General Orellana gave the Senate a week to ratify the promotions. He announced that should it fail to do so; he would immediately apply the Organic Law of the Armed Forces and the Command itself would approve them. This prompted a statement by the Interior

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<sup>25</sup> Law No. 1297, Law postponing the 2020 General Elections, convened for Sunday 3 May 2020 by the Supreme Electoral Tribunal, taking into account the health emergency and the state measures to prevent and address this, arising from the Coronavirus pandemic (COVID-19), which make it impossible to hold the elections on the scheduled date, 30 April 2020.

<sup>26</sup> Vice Ministry of Communication, President Áñez will enact a law to hold general elections on 6 September, 21 June 2020.

<sup>27</sup> Ruling of the Supreme Electoral Tribunal, 23 July 2020.

<sup>28</sup> Official Gazette of Bolivia, Supreme Decree 4078 which establishes the participation of the Armed Forces of the Plurinational State of Bolivia, in the defence of society and maintaining public order, in support of Bolivian police forces in order to reaffirm and consolidate unity and to bring peace to the country, published in the 1214NEC edition, 15 November 2019.

<sup>29</sup> BBC Mundo, ‘Crisis in Bolivia: the “disproportionate use of force” against supporters of Evo Morales in Bolivia is condemned by international organizations’, 17 November 2019, <https://www.bbc.com/mundo/noticias-america-latina-50443318> (last accessed 20 July 2020) [Spanish only].

<sup>30</sup> State Attorney General, During social conflicts the IDIF carried out 27 legal autopsies, 22 November 2020, <https://www.fiscalia.gob.bo/index.php/2628-durante-conflictos-sociales-el-idif-realizo-27-autopsias-legales> (last accessed 23 July 2020) [Spanish only].

<sup>31</sup> Ombudsman, Impact on Rights of the 2019 Elections Conflict 2019, <https://www.defensoria.gob.bo/contenido/afectacion-a-derechos-en-conflicto-elecciones-2019> (last accessed 23 June 2020) [Spanish only].

<sup>32</sup> Ministry of Defence Press Release, ‘Government repeals Supreme Decree No. 4078’, 28 November 2019, <https://www.mindef.gob.bo/mindef/node/3957> (last accessed 23 July 2020) [Spanish only].



Minister threatening representatives in the Legislative Assembly with possible prosecution for failing to fulfil their duties.

On 23 May, the Interior Minister declared, in relation to the ratification of promotions for 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. 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.”<sup>33</sup>.

## 2.2 COVID-19 AND REGULATIONS THAT VIOLATE HUMAN RIGHTS STANDARDS

Bolivia reported its first cases of COVID-19 in March 2020 and on the 12 March the Acting President declared the situation a national emergency.<sup>34</sup> Supreme decrees and subsequent laws, established additional quarantine measures, mandatory stay-at-home regulations, among other economic and social measures to deal with the pandemic.<sup>35</sup> As of 19 July 2020, the Ministry of Health had reported 59,582 confirmed cases of COVID-19 and 2,151 deaths related to the virus.<sup>36</sup>

However, in the context of the pandemic, the government also issued other regulations that raise a number of concerns for Amnesty International, such as Article 7.II of Supreme Decree 4199, whereby “Total Quarantine is declared throughout the territory of the Plurinational State of Bolivia, against the spread and transmission of the Coronavirus (COVID-19)”; Article 13.II of Supreme Decree 4200, by means of which “measures against the spread and transmission of the Coronavirus (COVID-19) are reinforced and strengthened throughout the territory of the Plurinational State of Bolivia”; and Decree 4231, which modifies the previous Decrees. These decrees were later repealed, but nevertheless they have served as an instrument to persecute and threaten political opponents and those perceived as such, together with criminal proceedings, public statements<sup>37</sup> and detention.<sup>38</sup>

**In this context, the organization is also concerned about attacks on judicial independence.** Thus, for example, on 22 May, Judge Hugo Huacani was detained in La Paz by police shortly before starting a hearing as part of proceedings against the recently dismissed former Minister of Health, Marcelo Navajas, and others in the current government. They were accused of the alleged purchase of overpriced respirators in the context of the COVID-19 pandemic. On 23 May, Judge Huacani was released after a court ruling that, according to publicly available information, declared his detention illegal. That same day, the La Paz Departmental Attorney General’s Office reported that it had not been involved in Judge Huacani’s arrest or issued an arrest warrant against him.

On 24 May, the Interior Ministry admitted in a statement<sup>39</sup> that it had ordered his arrest because it disagreed with the Judge’s decision to end the preventive detention of another case involving the prosecution on charges of terrorism of the former Minister of the Presidency, Juan Ramón Quintana, of the opposition MAS party.

Amnesty International considers the detention of Judge Huacani to have been arbitrary as it was based solely on the fact that the government disagreed with a judicial decision he had taken. Furthermore, his arrest and the Interior Ministry’s accusations could compromise the independence of judicial proceedings which could clarify criminal responsibility for the alleged misuse of resources intended to guarantee the life and health of patients in need of intensive care in the context of the COVID-19 pandemic.

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<sup>33</sup> *El Deber*, ‘Murillo says that assembly members face legal action if they do not approve promotions in the Armed Forces’, 23 May 2020, [https://m.eldeber.com.bo/180534\\_murillo-dice-que-asambleistas-son-pasibles-a-un-proceso-si-no-aprueban-los-ascensos-en-las-ffaa](https://m.eldeber.com.bo/180534_murillo-dice-que-asambleistas-son-pasibles-a-un-proceso-si-no-aprueban-los-ascensos-en-las-ffaa) (last accessed 11 July 2020) [Spanish only].

<sup>34</sup> Supreme Decree No. 4179 of 12 March 2020.

<sup>35</sup> The regulations issued to deal with the COVID-19 pandemic can be found at the following official link: <https://www.boliviasegura.gob.bo/normativa.php> (last accessed 23 June 2020).

<sup>36</sup> Ministry of Health, National Epidemiological Report No. 126, 19 July 2020, <https://www.minsalud.gob.bo/4408-covid-19-ministerio-de-salud-reporta-1-444-contagios-nuevos-y-la-cifra-de-recuperados-asciende-a-18-553> (last accessed 20 July 2020) [Spanish only].

<sup>37</sup> Amnesty International, ‘Bolivia: Minister Arturo Murillo must publicly clarify charges of “destabilization” and “disinformation” against 67 people’, (AMR 18/2171/2020) 17 April 2020.

<sup>38</sup> See Amnesty International, ‘Bolivia: Government must refrain from harassing and threatening political opponents and respect judicial independence’ (AMR 18/2428/2020), 29 May 2020.

<sup>39</sup> Statement from the Bolivian Interior Ministry, 24 May 2020, <https://www.facebook.com/photo/?fbid=2962368600483262&set=a.1298153010238171> (last accessed 11 July 2020) [Spanish only].

Amnesty International notes that corruption can affect and hinder the enjoyment and exercise of human rights and must be investigated and punished as appropriate. The Inter-American Court of Human Rights has stated that: “The right to health must be guaranteed respecting human dignity and fundamental bioethical principles, as well as in accordance with Inter-American standards concerning its availability, accessibility, acceptability and quality, as appropriate for the circumstances resulting from this pandemic.”<sup>40</sup>

**Finally, the organization highlights that Indigenous Peoples are being disproportionately affected by the pandemic as they are in a situation of greater vulnerability.** Amnesty International has repeatedly expressed concern about the rights of Indigenous Peoples, especially the right to participate in decision-making processes on issues affecting their rights. Such rights continue to be put at risk by the granting of licences for economic projects (such as oil concessions) on community lands without Indigenous Peoples’ free, prior and informed consent; the environmental degradation of their territories;<sup>41</sup> and, more recently, the pandemic, among other things.

Recently, the Ombudsman’s Office issued a report on the impact of COVID-19 on Indigenous Peoples in Bolivia. The Office of the Ombudsman warned about the lack of a public health policy to protect Indigenous Peoples from COVID-19, the consequences of which include a lack of differentiated and detailed information on the impact of COVID-19 on these communities; a lack of Indigenous Peoples’ participation in matters related to their health; and stigmatization and risk for those communities in a situation of voluntary isolation and non-contact due to the inaction of the state, resulting in the violation of their rights.<sup>42</sup>

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<sup>40</sup> Inter-American Court of Human Rights, COVID-19 and human rights: The problems and challenges must be addressed from a human rights perspective and with respect for international obligations, 14 April 2020.

<sup>41</sup> Amnesty International, Open letter to the President of the Plurinational State of Bolivia, Evo Morales Ayma, on the fires in Chiquitania, (AMR 18/1004/2019), 9 September 2019.

<sup>42</sup> Ombudsman’s Office, Report on the impact of COVID-19 on Indigenous Peoples in the Plurinational State of Bolivia, <https://www.defensoria.gob.bo/uploads/files/informe-npioc-relator-nnuu.pdf> [Spanish only].

### 3. METHODOLOGY

This document presents an analysis of some relevant human rights events that took place during the post-election crisis between 20 October 2019 and 30 June 2020. The analysis is based on publicly available information and information collected during a research mission undertaken in Bolivia between 2 December 2019 and 5 January 2020. During this mission, more than 60 people were interviewed, including relatives of the victims in Sacaba and Senkata and eyewitnesses to the events, most of whom asked to remain anonymous for fear of reprisals, and journalists and human rights defenders. Others interviewed included: human rights organizations and defenders; public officials, such as the Ombudswoman, the Ombudsman for Cochabamba and the Deputy Minister of Citizen Security, as well as sources in the Attorney General's Office and a police colonel, whose names have been withheld.

Amnesty International also had access to the autopsies of seven people who died during the events in Sacaba and eight death certificates of people who died during the events in Senkata. Amnesty International's Digital Verification Corps (DVC) reviewed and verified video material from social networks and material provided by some interviewees. Their methodology included verifying the date of capture, geolocating the content and corroborating evidence. In addition, one of the organization's weapons experts provided an in-depth analysis of some of the videos.

For security reasons, the identities of the victims or relatives who gave their statements to Amnesty International have been kept confidential and their names have been withheld.

The original texts for the legislation and statements quoted for which no official translations into English are available have been translated unofficially by Amnesty International in this English version of the report to ensure accessibility, without prejudice to the original Spanish language version, which remains the only definitive, official version of this Amnesty International report.

The aim of this document is not to clarify facts that to date have not been properly investigated by the authorities and institutions responsible for this, but rather, where applicable, to provide evidence that it hopes will contribute to such clarification, so that these events do not remain shrouded in impunity.

In accordance with the principle of independence and impartiality and its mandate, Amnesty International does not take a position on whether or not there has been a breakdown of the constitutional order in Bolivia or in any other state. In addition, the organization has not undertaken research or taken a position on the legitimacy or legality of the elections of 20 October 2019 or the interim government, including allegations of coups d'état or the usurping of presidential positions.

# 4. IMPUNITY FOR HUMAN RIGHTS VIOLATIONS AND VIOLENCE DURING THE POST-ELECTION CRISIS

Since the start of the post-election crisis, social protest has become the vehicle through which various political and social movements, individuals, groups or organizations, have expressed their support or dissatisfaction regarding political events in the country. In this context, some marches or demonstrations took place peacefully, while in others individuals or groups of people carried out acts of violence.

Videos in the media and on social media filmed protests that were violently repressed by the police through, among other things, the excessive use of tear gas. To highlight just a few incidents, according to information in the press, on 22 October police used tear gas to disperse a protest in the Plaza Abaroa in La Paz and reportedly injured a 16-year-old girl who was hit in the head by a gas cartridge.<sup>43</sup> According to DA (name withheld), who was present in Plaza Abaroa, a group of people were trying to enter the Supreme Electoral Tribunal (TSE) when someone threw a stone and the police responded with tear gas.<sup>44</sup> Three other people said that on 25 October, during a protest in the Plaza Murillo in La Paz, a group of MAS supporters reportedly threw sticks of dynamite that exploded near the protesters and the police made no attempt to intervene and apprehend them.<sup>45</sup> Likewise, on 6 November 2019, police fired tear gas near the Don Bosco Secondary School in La Paz and two gas cartridges fell in the schoolyard where children were present.<sup>46</sup>

Principles 14 and 15 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that

Principle 13) In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Principle 14) In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.<sup>47</sup>

On the scope of the Basic Principles regarding the use of tear gas, Amnesty International noted in its publication *Use of force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* that:

“Devices that have indiscriminate effects and a high potential of harm, such as tear gas or water cannon, may only be used in situations of more generalized violence for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence. They may only be used when people have the opportunity to disperse and not when they are in a confined space or where roads or other routes of escape are blocked. People must be warned that these means will be used and they must be allowed to disperse. Cartridges with chemical irritants may never be fired directly at a person.”<sup>48</sup>

<sup>43</sup> *Los Tiempos*, ‘Confrontations and use of gas leaves several injured in La Paz’, 22 October 2019, <https://www.lostiempos.com/actualidad/pais/20191022/enfrentamientos-gasificacion-deja-varios-heridos-paz>, (last accessed 25 June 2020) [Spanish only].

<sup>44</sup> Interview with DA, 7 January 2020.

<sup>45</sup> Interview with three people who were in Plaza Murillo on 25 October 2019 and who asked to remain anonymous for safety reasons, 4 January 2020.

<sup>46</sup> John Arandia, 6 November 2019, see <https://twitter.com/johnarandia/status/1192197638084595712> (last accessed 25 June 2020) [Spanish only].

<sup>47</sup> United Nations, 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, 27 August-7 September 1990).

<sup>48</sup> Amnesty International, *The use of force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, ISBN 978-90-6463-373-7, 2015, p. 37.

In addition to the above, at different points during the post-election crisis, senior government officials, including former President Morales and groups linked to him, issued statements calling for violence and threatening to blockade cities if the strikes continued.

**“There is a plan, a state of emergency, permanent mobilization. Cities should rather stop causing harm with strikes... If they want strikes, no problem. We'll join them by besieging cities. Let's see if they can take it” ...**

Evo Morales Ayma<sup>49</sup>

Juan Carlos Huarachi, Executive Secretary of the Central Obrera Boliviana (Bolivian Workers' Centre, COB) stated: “democracy has historically been defended with dynamite, not just now, since the creation of this parent organization of workers... we won this right 37 years ago and restored democracy with dynamite, with marches in the streets on the highways and today we are going to defend it, I repeat, we do not want to enter into confrontation, rather we call for social peace”.<sup>50</sup>

On other occasions, other high-ranking officials, including representatives in the Assembly and allied social organizations also called for violence.

Likewise, former officials and their families were also victims of violence. For example, on 6 November 2019, the Mayor of Vinto, María Patricia Arce Guzmán “was intercepted and held for hours by third parties, after her offices in the Town Hall were attacked, smashed up and set on fire... while she was held by third parties, Ms Arce was verbally and physically abused before police were able to rescue her and take her to a hospital to be examined and receive and medical attention.”<sup>51</sup> As a result, the IACHR granted the Mayor and her children precautionary measures, considering that they faced a situation of grave and urgent risk of irreparable harm to their rights.<sup>52</sup> On 9 November, a mob attacked and burned down part of the home of former President Morales' sister in Oruro.<sup>53</sup>

In the context of the protests, Amnesty International also received worrying allegations of attacks against human rights defenders, social communicators and journalists. Various videos on social media captured these attacks.<sup>54</sup> Likewise, according to publicly available information and reports received by the organization, in some cases protests were repressed by the security forces using excessive and unnecessary force resulting in human rights violations which remain unpunished.

## 4.1 REPRESSION OF PROTESTS IN SACABA AND SENKATA

On 14 November 2019, after Jeanine Áñez assumed the acting presidency, the government promulgated Decree 4078 which provided, as already stated, for the participation of the Armed Forces in “the defence of society and the maintenance of public order, in support of the National Police forces”. In addition, under this Decree Armed Forces personnel who participate in operations to restore internal order and public stability are exempt from criminal and personal responsibility “when in accordance with their constitutional functions, they act in legitimate defence or a state of necessity, observing the principles of legality, absolute necessity and proportionality”.

<sup>49</sup> ‘The President threatens to surround cities’, 26 October 2019, <https://www.youtube.com/watch?v=meBEqwTkAao> (last accessed 6 July 2020) [Spanish only].

<sup>50</sup> CONALCAM Press Conference, 29 October 2019, <https://www.youtube.com/watch?v=C4dbEnE6T1Y> (last accessed 6 July 2020) [Spanish only].

<sup>51</sup> IACHR, Press Release No. 339/19, IACHR Grants Precautionary Measures in Favor of María Patricia Arce Guzmán, Mayor of the Vinto Municipality in Bolivia, 27 December 2019.

<sup>52</sup> IACHR, Resolution 68/2019, Precautionary Measure No. 1123-19, 25 December 2019, <https://www.oas.org/es/cidh/decisiones/pdf/2019/68-19MC1123-19-BO.pdf> [Spanish only].

<sup>53</sup> Bolivia tv Oficial Twitter, 9 November 2019, <https://twitter.com/l/status/1193363280707932160> (last accessed 7 July 2020) [Spanish only].

<sup>54</sup> For example, see Huffpost, ‘Al Jazeera journalist attacked with tear gas by Bolivian police’, 17 November 2019, [https://www.huffingtonpost.es/entry/una-periodista-de-al-jazeera-agredida-con-gas-lacrimogeno-por-la-policia-de-bolivia\\_es\\_5dd18e51e4b0294748193698](https://www.huffingtonpost.es/entry/una-periodista-de-al-jazeera-agredida-con-gas-lacrimogeno-por-la-policia-de-bolivia_es_5dd18e51e4b0294748193698) (last accessed 13 July 2020) [Spanish only].

The Decree allows for impunity for possible human rights violations or crimes under international law that may be committed by members of the Armed Forces. The text of the Decree also stated that the situation in the country “is tending to worsen, even leading to civil war.”<sup>55</sup>

After the Decree came into force, the National Police and the Armed Forces carried out joint operations to control demonstrations and there were reports of excessive and unnecessary use of force, for example in Sacaba and Senkata, where the presence of armed protesters was also reported.

On 27 November, following concerns raised by national and international human rights organizations, Acting President Ñez abrogated Decree 4078. According to the Interim President, the abrogation of the Decree was in response to the signing of “agreements with social organizations, and as a consequence the conflicts in the country have been suspended” and “we have achieved our aim of restoring the peace.”<sup>56</sup>

The events of Sacaba and Senkata have not been clarified by the appropriate authorities, resulting in impunity. There are strong indications that disproportionate and unnecessary force was used by the National Police and the Armed Forces, which must be independently, impartially and urgently investigated.

The Inter-American Court of Human Rights has established that states parties to the American Convention on Human rights, like Bolivia,<sup>57</sup> must “restrict to the maximum extent the use of armed forces to control domestic disturbances, since they are trained to fight against enemies and not to protect and control civilians, a task that is typical of police forces”.<sup>58</sup>

In its judgment in the case of *Alvarado Espinoza et al v. Mexico*, the Court determined that “maintaining internal public order and citizen security must be reserved primarily for civilian police forces”<sup>59</sup> and that the exceptional participation of the Armed Forces in these tasks should be:

- a) Extraordinary, so that any intervention is justified and is exceptional, temporary and restricted to what is strictly necessary in the circumstances of the case;
- b) Subordinate and complementary, to the work of civilian bodies, without their duties being able to extend to the powers proper to the institutions of law enforcement or judicial or ministerial police;
- c) Regulated, through legal mechanisms and protocols on the use of force, under the principles of exceptionality, proportionality and absolute necessity and in accordance with the respective training in the matter, and
- d) Audited by competent, independent and technically capable civilian bodies.

The organization also recalls that in terms of individual criminal responsibility, not only must security force personnel who materially commit human rights violations or crimes under international law be held accountable, but all superiors who issue orders that are unlawful, or supervise or tolerate such crimes must also be held responsible.

In this regard, the UN High Commissioner for Human Rights “urged the Bolivian authorities to refrain from employing the army in law-enforcement operations, including during protests.”<sup>60</sup>

The organization recalls that states have an obligation to respect, protect and guarantee human rights that could be affected in the context of law enforcement operations.

Along these same lines, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials establish the principles and rules necessary to regulate the use of force and firearms.<sup>61</sup> Thus, the use of force is guided by the principles of legality, necessity, proportionality and accountability.

<sup>55</sup> Amnesty International, ‘Bolivia: Jeanine Ñez must immediately repeal decree giving impunity for Armed Forces personnel’, 18 November 2019.

<sup>56</sup> Página Siete, ‘Ñez repeals DS 4078 after securing peace in the country’, 28 November 2019, <https://www.paginasiete.bo/nacional/2019/11/28/nez-abroga-el-ds-4078-tras-lograr-la-pacificacion-del-pais-238844.html> (last accessed 3 July 2020) [Spanish only].

<sup>57</sup> Bolivia ratified the American Convention on Human Rights on 20 June 1979 and deposited its instrument of ratification on 19 July 1979.

<sup>58</sup> Inter-American Court of Human Rights, *Case of Montero Aranguren et al. (Detention Center of Catia) v. Venezuela*, Preliminary Objection, Merits, Reparations and Costs, Judgment of 5 July 2006, Series C No. 150, para. 78; *Case of Zambrano Vélez et al. v. Ecuador*, Merits, Reparations and Costs, Judgment of 4 July 2007, Series C No. 166, para. 51; *Case of Cabrera García and Montiel Flores v. Mexico*, Preliminary Objection, Merits, Reparations and Costs, Judgment of 26 November 2010, Series C No. 220, para. 88.

<sup>59</sup> Inter-American Court of Human Rights, *Case of Alvarado Espinoza et al. v. Mexico*, Merits, Reparations and Costs, Judgment of 28 November 2018, Series C No. 370, para. 182 [Spanish only].

<sup>60</sup> OHCHR, ‘Bachelet says repression as well as unnecessary and disproportionate use of force risk inflaming situation in Bolivia’, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25305&LangID=E>

<sup>61</sup> United Nations, 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, held in Havana, Cuba, from 27 August to 7 September 1990.

The **principle of legality** establishes that the power of the law enforcement officials to use force must be established by law, which must set out the circumstances in which and for what purpose the use of force may be considered. This will also include a legally constituted process for the approval and use of the equipment and weapons to be used.<sup>62</sup> This is based on Principle 1 of the Basic Principles, which states that: “Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials”.<sup>63</sup>

The **principle of necessity** states that force will only be used when no other means is available (in advance or after all available means have been exhausted) to achieve the legitimate objective. It should also be clear that only the minimum force will be used, that is, that no more force will be used than is necessary to achieve the objective.<sup>64</sup> This is underpinned by Principle 4 of the Basic Principles: “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”

The **principle of proportionality** establishes that law enforcement officials may not seek to achieve their objectives at all costs. The law must set a clear limit and require that law enforcement officials weigh their legitimate objective against the possible harm they may cause by resorting to the use of force.<sup>65</sup> This principle is set out in Principle 5 of the Basic Principles: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved”.<sup>66</sup>

Finally, the **principle of accountability** establishes that law enforcement agencies are held accountable for the fulfilment of their duties and their compliance with the legal and operational framework, this applies not only to the individual law enforcement officials acting in a specific situation, but also those who bear a chain-of-command responsibility.<sup>67</sup>

The Basic Principles also establish regulations regarding the permissibility of the use of force, lethal weapons and less lethal weapons, the planning of operations, warnings before resorting to any form of use of force and the obligation to protect third parties, among other things.

The state has an obligation to guarantee the right to peaceful protest. Thus, the decision to resort to the use of force in the context of protests must respect the principles of necessity and proportionality. In those cases where force has to be used, it must only be directed at people who are involved in acts of violence or who pose a threat, and not against other people who are participating peacefully in the gathering or demonstration or who are merely bystanders. In these cases, the authorities must take the necessary measures to identify the specific individuals who have committed acts of violence and continue to facilitate the right to peaceful assembly of those who wish to exercise it. Only in cases where violence has become widespread may law enforcement officials use force to disperse a gathering. In this regard, the Inter-American Commission has indicated that “the actions of the security forces should protect, rather than discourage, the right to assembly and therefore, the rationale for dispersing the demonstration must be the duty to protect people”.<sup>68</sup>

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<sup>62</sup> Amnesty International Netherlands, *Use of Force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Amsterdam, 2015, available at: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

<sup>63</sup> In the same vein, the Inter-American Court has state: “Domestic law must establish standards clear enough to regulate the use of lethal force and firearms by members of the State security forces”, Inter-American Court, *Case of Zambrano Vélez et al. v. Ecuador*, Merits, Reparations and Costs, Judgment of 4 July 2007, Series C No. 166, para. 86. See, IACHR, Report No. 51/16, Gilberto Jiménez Hernández et al. (La Grandeza) Mexico, OEA / Ser.L. V/II.159, Doc. 60, 30 November 2016, para. 113.

<sup>64</sup> Amnesty International Netherlands, *Use of Force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Amsterdam, 2015, available at: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

<sup>65</sup> The Inter-American Court has indicated that although state agents may resort to the use of force, and in some circumstances and even the use of lethal force may be necessary, in seeking to achieve its ends, the state does not have unlimited power independent of the gravity of certain actions and the guilt of their authors, Inter-American Court of Human Rights, *Case of Cruz Sánchez et al. v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment of 17 April 2015, Series C No. 292, para. 262 [Spanish only].

<sup>66</sup> The original text of the Basic Principles is in English. Unfortunately, the official translation of Principles 5 and 9 has shortcomings that alter their regulatory content. Therefore, Amnesty International uses these revised principles from the official English version, indicating the adjustments in brackets.

<sup>67</sup> See Principles 7, 22, 24 and 26.

<sup>68</sup> IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA /Ser.L. V/II.124, 7 March 2006 para. 63.

## 4.1.1 SACABA


Statements gathered by Amnesty International, several from witnesses who asked to remain anonymous for fear of their safety,<sup>69</sup> indicate that on 15 November a group of protesters marched peacefully towards the city of Cochabamba to oppose the interim government and discrimination against *mujeres de pollera* (women in traditional dress). They said that there were women, children and elderly people on the demonstration. They carried sticks, flags, and some people had firecrackers “which are common in protests in Bolivia.”<sup>70</sup>

According to the Cochabamba Ombudsman, Nelson Cox, the Ombudsman’s Office had been calling on leaders and officials for weeks to stop “behaviours and mobilizations.” They were channelling negotiations to prevent the mobilization from entering Cochabamba “because of the risks.”<sup>71</sup>

Witnesses stated that at around 3 o’clock in the afternoon the protesters arrived at the Huayllani Bridge in the municipality of Sacaba where they were stopped by a police contingent; the Army was behind them. A tank and Neptune truck (which fires jets of water) were stationed in front of the police and a helicopter was flying overhead. The protesters asked the police to clear the way so they could cross the bridge. The police asked them to wait 30 minutes.

Witnesses stated that after almost an hour, and without warning, the police began firing tear gas at the protesters.<sup>72</sup> According to those interviewed, the protesters ran away, some carrying children, while others vomited and collapsed unable to breathe. Approximately 30 minutes later, the police and the army reportedly began firing rubber bullets and live ammunition at the demonstration. Several demonstrators said they were shot while trying to help other injured protesters.<sup>73</sup>



 ↑ The photo on the left shows the view from the Huayllani Bridge where the security forces were positioned, looking towards Cochabamba. The photo on the right shows the same pole seen from where the security forces were positioned. According to the statements gathered, the blue rings mark the bullet holes. Interviewees stated that the shots came from the direction of the Huayllani Bridge. © Amnesty International/Thomas Becker

Some protesters reported witnessing shots being fired from the helicopter that was flying over the area. Some of those who ran away were chased by the military who beat them and shouted racist abuse at them.

The injured protesters were taken to the México Hospital, where doctors reportedly asked them why they were there and “how much money they had received.”<sup>74</sup>

One of the wounded, GEC (name withheld), said that when they saw shots being fired, they tried to hide behind walls and inside nearby shops, but that there was not enough room for everyone. He said he was

<sup>69</sup> Most of the statements gathered were from people who were injured in the events in Sacaba and who belong to the Federación de Centrales Unida (FUCU) or whose relatives died in the events. The FUCU is one of the six federations of the Tropic of Cochabamba.

<sup>70</sup> Statement of RCA, 10 December 2019. In Sacaba, he sustained a bullet wound to the foot. They transferred him to the México Hospital where he was operated on and then transferred to another health centre due to lack of space. He said he saw the Police and the Army shoot people and that they were dressed as if for war, there were masked police officers and they were armed with rifles.

<sup>71</sup> Los Tiempos, The death toll in the Sacaba clashes rises to 9, 16 November 2019, <https://www.lostiempos.com/actualidad/pais/20191116/sube-9-cifra-fallecidos-enfrentamientos-sacaba> (last accessed 7 July 2020) [Spanish only].

<sup>72</sup> Amnesty International accessed a video in which the security forces can be seen firing a large amount of tear gas on the Huayllani Bridge towards protesters, who appear to be running away.

<sup>73</sup> Statement by VP, 10 December 2019. VP said that at the México Hospital they sewed him up and cleaned him up and told him that he was fine and could leave. However, they later took him to another clinic where they had to operate because they told him he had a gunshot wound.

<sup>74</sup> Statement by VP, 10 December 2019.



hiding behind some bricks and when he came out for a few seconds, they shot him in the stomach. Other protesters took him to the México Hospital along with other people. “At the hospital they took me outside because there was not enough space inside. They sewed me up. They took me to another hospital, but they couldn’t treat me there, so they ended up taking me to the Viedma Hospital. There I had to go to the bathroom, and I was passing blood. I fell asleep at around 7.00 pm and woke up the next day with tubes in my body. I don’t remember the operation. I stayed in the hospital for another week recovering. Now I have a catheter and in three months I have to have another procedure.”<sup>75</sup>

Nine people were reportedly killed during these events. Amnesty International has seen the autopsy protocols of examinations carried out by the Institute of Forensic Investigations (IDIF) on seven of those who died which list the cause of death as the result of firearm injuries: Omar Calle, César Sipe,<sup>76</sup> Juan López,<sup>77</sup> Emilio Colque,<sup>78</sup> Lucas Sánchez,<sup>79</sup> Plácido Rojas Delgadillo,<sup>80</sup> Armando Caraballo Escobar,<sup>81</sup> Marcos Vargas Martínez<sup>82</sup> and Roberto Sejas. There were no reports of deaths or injuries of army and police personnel.

The police colonel interviewed by Amnesty International was not in Sacaba, but stated that although they did not find anyone carrying weapons, they have evidence that some were armed. According to his version of events, the protesters were not going to exercise their right to protest, but rather cause terror and fear and provoke confrontations. He stated that the protesters insisted on crossing the bridge and that, as they would not listen, they first fired water from the Neptune and protesters responded by throwing stones and using slings, so they had to fire tear gas. He stated that protesters began shooting at them amid tear gas. He also stated that, after several hours, the protesters would not allow them to enter to perform the autopsies or to transfer the bodies and that the families took the bodies to have the autopsies carried out.<sup>83</sup>

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<sup>75</sup> Statement by GEC, 10 December 2019.

<sup>76</sup> IDIF, Autopsy Protocol of César Sipe Mérida, Cochabamba, 16 November 2019. “A pattern of injuries caused by firearm projectiles were observed, with an entry hole in the umbilical region of the abdomen and exit in the right lateral lumbar region following a path that injured vital organs, triggering a massive hemoperitoneum”.

<sup>77</sup> IDIF, Autopsy Protocol of Juan López Apaza, Cochabamba, 16 November 2019. “Critical injuries were documented as a consequence of impact by a firearm projectile that penetrated the body at chest level with the projectile exiting the back of the arm on the opposite side, causing injuries to vital organs at the chest level, aortic and pulmonary laceration, responsible for severe volemia (loss of blood), accumulation of blood was also observed in thoracic cavities, the loss of blood caused functional alterations through different anatomical structures, the severe loss of blood resulted in the person’s death”.

<sup>78</sup> IDIF, Autopsy Protocol of Emilio Colque León, Cochabamba, 16 November 2019. “A pattern of lesions produced by firearm projectiles were observed, with an entry hole in the middle third of the right anterior thorax and a left lateral exit hole in the lower third, the path of the projectile causing injuries: to subcutaneous cellular skin tissue, intercostal heart muscles, the lower left lung, triggering a massive haemothorax.”

<sup>79</sup> IDIF, Autopsy Protocol of Lucas Sánchez Valencia, Cochabamba, 16 November 2019. “A pattern lesions produced by firearm projectiles were observed, with an entry hole in the left preauricular temporal region with an exit hole in the ciliary region of the outer third of the right side, the path of the projectile produced injuries to subcutaneous cellular skin tissue, fracture to the temporal bone, anterior third of the base of the skull, laceration of the dura, encephalic laceration, ruptured right eye, trace fracture at the base of the lower inner socket and right socket rim and a fracture to the nasal pyramid”.

<sup>80</sup> IDIF, Autopsy Protocol of Plácido Rojas Delgadillo, Cochabamba, 16 November 2019. “A pattern consistent with a firearm projectile was documented: critical injuries were documented in the abdominal region of the mesogastric quadrant (entry hole) 4cm from the midline and 9cm from the umbilicus, with a trajectory that runs slightly obliquely upward, and the exit hole to the lateral region of the thorax 2cm above the right costal margin, producing a wide laceration with irregular edges at the level of the left hepatic lobe and right hepatic lobe, causing a massive haemoperitoneum of 2,000 ml”.

<sup>81</sup> IDIF, Autopsy Protocol of Armando Caraballo Escobar, Cochabamba, 16 November 2019. “The injury to the left upper limb is consistent with the direct action of a firearm projectile, which presents an entry hole at the left shoulder level, presenting a direction from left to right, from top to bottom and from front to back; no exit hole was evident due to “thoracotomy” surgical intervention in the right costal area, leaving splinters or metal fragments lodged in the left deltoid muscle tissue. Injuries at the thoracic level are consistent with a perforating wound produced by the direct action of a firearm projectile, where laceration and slicing of pulmonary parenchyma of the left upper lobe, right middle lobe, pulmonary hilum and fracture of the T4 vertebrae were evident”.

<sup>82</sup> IDIF, Autopsy Protocol of Marcos Vargas Martínez, Cochabamba, 16 November 2019. “Injuries consistent with a firearm projectile were documented: to the scalp in the left parietal region and right occipital region, skull; the presence of a blunt wound on the scalp consistent with an entry hole, craniectomy (surgical procedure performed at the Viedma Hospital) which does not allow examination of this bone area, and the entry hole cannot be seen at the bone level, evidence of the trajectory of the projectile through the brain where laceration was observed, crossing the left parietal lobe, travelling obliquely to the right occipital lobe and to the exit hole that could be observed at the level of the cranial vault and the scalp of the right occipital region. - Critical injuries to the face were documented: which were consistent with contusions from the impact of a firearm projectile. - The cause of death is believed to be: laceration to the higher nerve centres by a firearm projectile. - The path of the firearm projectile travelled from the scalp of the left parietal region, then to the left parietal cranial vault, through the brain descending obliquely to the right, lacerating the same and exiting the cranial vault at the right occipital region, passing through the scalp of the right occipital region after leaving the remains of the projectile in an area near the periosteum of the right occipital region and finally exiting through the scalp of the right occipital region.”

<sup>83</sup> Interview with a police colonel, 12 December 2019.

**“The coffins were ready... and the signs too. They show a part where they say “let’s hurt ourselves”. What macabre head can have the idea ‘Let us hurt ourselves to blame them’... If there is loss of life, why are they hiding the body? Why are things not done properly? We have spoken to the Attorney General and asked him to be absolutely transparent and to check the investigation, to see what happened to those who died. I have videos that I prefer not to show so as not to shock. Many of the two or three ... that we have confirmed were shot in the neck ... in the head... How could they have been shot in the neck? Was a fellow protester behind them shooting at them?... They say ... let’s hurt ourselves and put the blame on them.”**

Arturo Murillo, Interior Minister<sup>84</sup>

According to GEC (name withheld) the police were firing shotguns and the army was firing FAL rifles. “I was in a conscript in the army, so I know about FAL rifle bullets. I saw them. I was in the army in 2017 and stationed near the border with Argentina.”<sup>85</sup> According to a source at the Viedma Hospital, only three bullets were recovered, which, in accordance with the protocol followed by the hospital, were handed over, together with the medical records, to the investigators from the Attorney General’s Office after they received a court order.<sup>86</sup>

In statements to the press, Attorney General Juan Lanchipa stated that the bullet wounds of those who died in Sacaba were made by long guns. He also stated that they “collected 5.56mm [bullets]. One man was wounded man by a 38mm calibre bullet”,<sup>87</sup> which, according to the Attorney General, is not the ammunition used in army weapons.

**“There are nine dead who have been received fatal wounds, all the victims sustained head or chest wounds. As the Ombudsman’s Office, we demand prompt clarification of this absolutely deplorable irregular situation... There was no pretext for the shooting... It cannot be called a**

<sup>84</sup> Opinión Bolivia, ‘The departmental commander of the Police and Interior Minister Arturo Murillo hold a press conference about the detainees and objects seized during the clashes yesterday in Sacaba’, 16 November 2019, <https://www.facebook.com/DiarioOpinion/videos/712009895958587> (last accessed 6 July 2020) [Spanish only].

<sup>85</sup> Statement by GEC, 10 December 2019.

<sup>86</sup> Source at the hospital, 11 December 2019.

<sup>87</sup> Página Siete, ‘IDIF establishes that bullets that killed 8 people in Senkata were not from the Armed Forces’, 23 November 2019, <https://www.paginasiete.bo/nacional/2019/11/23/idif-establece-que-balas-que-mataron-personas-en-senkata-no-fueron-de-ffaa-238278.html> (last accessed 6 July 2020).

## **confrontation when all the harmful actions were against lives of the civilian population that was mobilizing.”**

Nelson Cox, Cochabamba Ombudsman<sup>88</sup>

Three people were reportedly arrested carrying weapons. However, those arrested stated that they were not carrying weapons and that the arms were planted on them by the Special Anti-Crime Force (Fuerza Especial de Lucha Contra el Crimen, FELCC).<sup>89</sup>

Regarding the investigations, in an interview with Amnesty International, anonymous sources from the Cochabamba Attorney General's Office indicated that they had requested information from the army and the police on 18 November, but that as of the date of the interview they had not received the information they had asked for. Furthermore, as of the date of the interview, the army and the police had not responded to the request for information from the Cochabamba Ombudsman.<sup>90</sup>

VS (name withheld) was injured in the events of Sacaba in which her 25-year-old son died.

**“I ask for justice. The price for my son isn't 50,000 bolivianos, he is without price. He was young, he had a chance to study. I want to see the self-appointed president Áñez in prison and then I will have peace of mind. Until then, I will never stop demanding justice”.**

VS<sup>91</sup>

To date, the truth of what happened in Sacaba has not been clarified, responsibility has not been established and, therefore, impunity persists.

### **4.1.2 SENKATA**

The statements gathered by Amnesty International, some of which were given on condition of anonymity because of fears about safety, indicate that on 19 November, some people mounted road blocks outside the distribution plant of the Yacimientos Petrolíferos Fiscales Bolivianos (YPFB), the state-owned petrol company of Bolivia, located on the La Paz-Oruro Highway in Senkata (El Alto). The plant supplies gasoline, diesel and liquefied petroleum gas (LPG) to the city of La Paz and to other cities in the country. According to anonymous sources from the Attorney General's Office, between 2,000 and 4,000 people were involved. According to information published in the press, the blockade began on 12 November<sup>92</sup> and on 19 November, in response to fuel shortages, a joint operation by the military and police was launched to allow a convoy of fuel tankers to leave the plant during which tear gas was used against those blockading the

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<sup>88</sup> *Los Tiempos*, 'The death toll in the Sacaba clashes rises to 9', 16 November 2019, <https://www.lostiempos.com/actualidad/pais/20191116/sube-9-cifra-fallecidos-enfrentamientos-sacaba> (last accessed 7 July 2020) [Spanish only].

<sup>89</sup> Interview with Nelson Cox, 10 December 2019.

<sup>90</sup> Interview with Nelson Cox, 10 December 2019.

<sup>91</sup> Statement by VS, 10 December 2019.

<sup>92</sup> ANF, 'The Senkata blockade has been lifted and the distribution of gasoline, diesel and gas has restarted', 23 November 2019, <https://www.noticiasfides.com/nacional/sociedad/levantan-el-bloqueo-en-senkata-y-se-reinicia-la-distribucion-de-gasolina-diesel-y-gas-402660> (last accessed 7 July 2020) [Spanish only].

plant.<sup>93</sup> According to anonymous sources from the Attorney General's Office, no police were present during the operation, which was carried out solely by 360 soldiers from the Armed Forces.

The statements collected by Amnesty International indicate that, all of a sudden, soldiers inside the plant started firing tear gas indiscriminately at the protesters and at nearby houses, where there were children present.<sup>94</sup> A protester said she had never seen such a lot of gas and that soldiers "fired so much".<sup>95</sup> The statements also indicate that, at the same time, a military helicopter flew over firing tear gas and rubber bullets, and that later, soldiers inside the plant fired live ammunition at protesters, including those fleeing for their safety.<sup>96</sup> The testimonies gathered also indicate that some soldiers started to pick up the body of one of the civilians they had shot and dragged him to the plant, so the protesters, who feared that the soldiers would disappear the body, knocked down part of the wall of the plant.<sup>97</sup>

According to anonymous sources from the Attorney General's Office, who were able to go to the area on 22 November, the 1km long wall had been demolished in four or five places by protesters, by placing explosives on the walls to weaken them and digging underneath. The army reportedly told the prosecution that they used non-lethal riot munitions. The Attorney General's Office also observed marks on the army tanks where they had been hit by stones. Anonymous sources from the Attorney General's Office also indicated that when they went to the area with the Ombudsperson, they found no evidence that people or prisoners had been taken inside the plant and that they were able to confirm with the representative of those injured, that nobody had reported a disappeared loved one.

In statements to the press, the director of the IDIF, Andrés Flores, pointed out about the deaths in Senkata "in the entire detailed report, there is no 7.62, which is the army regulation ammunition."<sup>98</sup> He also noted that the deaths were caused by the impact of bullets from small arms. Attorney General Juan Lanchipa stated: "from these eight deceased, five projectiles have been collected. Three are 22 calibre and two are 9mm. No bullets could be collected from the other three bodies, but there were entrance and exit wounds."<sup>99</sup>

According to the statements gathered, the soldiers demanded that people turn off their cameras and threatened to send anyone who was filming to prison.<sup>100</sup> In addition, some journalists and commentators stated that no members of media were present, however, some had reported that "terrorists" were trying to blow up the plant.<sup>101</sup>

The IACHR and the Ombudsman's Office initially registered the deaths of nine people. Amnesty International had access to eight death certificates which indicate that the nine died as a result of gunshot injuries: Devi Posto Cusi,<sup>102</sup> Pedro Quisberth Mamani,<sup>103</sup> Edwin Jamachi Paniagua,<sup>104</sup> Joel Colque Patty,<sup>105</sup> Juan José Tenorio Mamani,<sup>106</sup> Antonio Ronald Quispe Ticona,<sup>107</sup> Clemente Mamani Santander,<sup>108</sup> Rudy Cristian Vásquez Condori and Calixto Huanaco Aguilar.<sup>109</sup> Ten deaths and 51 injuries were recorded by the Attorney General's Office.<sup>110</sup> Sources from the Attorney General's Office indicate that on 20 November, six autopsies were performed in the chapel in Senkata because neighbours and relatives would not allow the bodies to be transferred to the morgue.

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<sup>93</sup> América Economía, 'The departure of a convoy from the Senkata hydrocarbon plant leaves at least six dead in Bolivia', 20 November 2019, <https://www.americaeconomia.com/politica-sociedad/politica/la-salida-de-un-convoy-de-la-planta-de-hidrocarburos-de-senkata-deja-6> (last accessed 7 July 2020) [Spanish only].

<sup>94</sup> Anonymous interview, 8 December 2019; and interview with LS, 6 December 2019.

<sup>95</sup> Anonymous interview, 8 December 2019.

<sup>96</sup> Anonymous interview, 8 December 2019; interview with LS, 6 December 2019; interview with AA, 12 December 2019; and interview with GA, 10 December 2019.

<sup>97</sup> Interview with PO, other people present and anonymous interviewee, 10 January 2020.

<sup>98</sup> Página Siete, 'IDIF establishes that bullets that killed 8 people in Senkata were not from the Armed Forces', 23 November 2019, <https://www.paginasiete.bo/nacional/2019/11/23/idif-establece-que-balas-que-mataron-personas-en-senkata-no-fueron-de-ffaa-238278.html> (last accessed 6 July 2020) [Spanish only].

<sup>99</sup> Página Siete, 'IDIF establishes that bullets that killed 8 people in Senkata were not from the Armed Forces', 23 November 2019, <https://www.paginasiete.bo/nacional/2019/11/23/idif-establece-que-balas-que-mataron-personas-en-senkata-no-fueron-de-ffaa-238278.html> (last accessed 6 July 2020) [Spanish only].

<sup>100</sup> Interview with PO, other people present and anonymous interviewee, 10 January 2020.

<sup>101</sup> Anonymous interviewee, 5 and 6 December 2019.

<sup>102</sup> IDIF, Death Certificate of Devi Posto Cusi, 20 November 2019; abdominal thoracic trauma from a firearm projectile.

<sup>103</sup> IDIF, Death Certificate of Pedro Quisberth Mamani, 20 November 2019; open chest trauma from a firearm projectile.

<sup>104</sup> IDIF, Death Certificate of Edwin Jamachi Paniagua, 19 November 2019; open chest trauma from a firearm projectile.

<sup>105</sup> IDIF, Death Certificate of Joel Colque Patty, 20 November 2019; open chest trauma from a firearm projectile.

<sup>106</sup> IDIF, Death Certificate of Juan José Tenorio Mamani, 20 November 2019; open chest trauma from a firearm projectile.

<sup>107</sup> IDIF, Death Certificate of Antonio Ronald Quispe Ticona, 20 November 2019; open head injury from a firearm projectile.

<sup>108</sup> IDIF, Death Certificate of Clemente Eloy Mamani Santander, 20 November 2019; abdominal pelvic trauma from a firearm projectile.

<sup>109</sup> IDIF, Death Certificate of Calixto Huanaco Aguilar, 28 November 2019; open head injury from a firearm projectile.

<sup>110</sup> Anonymous sources from the Attorney General's Office.

The IACHR noted that: “The fatalities included several people who were apparently not part of the blockade but were simply passing through the area on their way home or to work.”<sup>111</sup> This was the case for PJ (name withheld) whose family stated that he always passed through Senkata on his way home from work at a security company in La Paz. When he did not come home, relatives and neighbours began looking for him and “found his dead body” in the chapel in Senkata. The death certificate states that “people report that he was passing the Senkata traffic lights when he was suddenly shot in the heart and he pushed himself into a corner. People came to his aid and took him to hospital in Senkata, but he did not receive emergency treatment and there was a high level of negligence; if they had treated him he would have lived”.<sup>112</sup>

Also, according to his family, TAR (name withheld) left home and set off for work and the minibus driver dropped the passengers off just before Senkata because he could not pass. The family claim that, according to witnesses, he was shot at from a helicopter.<sup>113</sup>

A significant number of wounded and dead in Senkata were taken to the Dutch Hospital. According to a witness, the doctors at that hospital refused to treat some of the wounded.<sup>114</sup> At least one witness reported irregularities in his relative’s autopsy, including the examiner’s change of the classification of the fatal bullet.<sup>115</sup>

Following the Senkata killings, families marched with the coffins of the deceased from El Alto to La Paz to demand justice.<sup>116</sup> However, the procession was blocked by the army who fired tear gas at those taking part.<sup>117</sup>

Several victims stated that the Attorney General’s Office had not interviewed any of the families of the dead or injured by the time of the Amnesty International interview.<sup>118</sup> However, anonymous sources from the Attorney General’s Office indicated that the victims and families had not wanted to speak to them and that, despite having tried on various occasions, they have been received with hostility and told that the Attorney General’s Office does nothing and repeats the same things before the IACHR. Anonymous sources from the Attorney General’s Office also stated that on the day of the incident, an investigation was initiated *ex officio* and they have been working to clarify what happened. They also stated that the army had not responded to their requests for information. They also reported that the military responded “who are you to ask us questions?” and that, despite a court order, by mid-January the Armed Forces had not complied and sent the information requested about the operation in Senkata.

**“Not a single projectile came from the army... The first duty of the Armed Forces is day to day to engage in dialogue with those Bolivian compatriots and brothers who, at this time, I repeat, are receiving money orders, alcohol and coca to cause vandalism, to cause terror, to cause panic... Today those actors who are linked to violence already have the character of state terrorism”.**

Luis Fernando López, Minister of Defence<sup>119</sup>

<sup>111</sup> IACHR, The IACHR presents its preliminary observations following its visit to Bolivia and requests an urgent international investigation take place into the serious human rights violations that have occurred in the country since the October 2019 elections, 10 December 2019.

<sup>112</sup> Death certificate, 28 November 2019.

<sup>113</sup> Death certificate.

<sup>114</sup> Anonymous interview, 8 December 2019.

<sup>115</sup> Interview with GA, 10 December 2019.

<sup>116</sup> Interview with GA, 10 December 2019.

<sup>117</sup> Interview with GA, 10 December 2019.

<sup>118</sup> Interview with GA, 10 December 2019.

<sup>119</sup> Opinión Bolivia, Press conference by Minister of Defence, 19 November 2019, <https://www.facebook.com/DiarioOpinion/videos/2617198148364613> (last accessed 8 July 2020).



 ↑ Wall dividing the highway seen from the Senkata plant. Bullet holes in the concrete can be seen circled in black. 13 January 2020. © Amnesty International/Thomas Becker

Anonymous sources from the Attorney General's Office stated that they did not find traces of dynamite in Senkata, but they did find the remains of Molotov cocktails on the walls of the plant. It should be noted that at least one person saw a young man making Molotov cocktails using small soda bottles from a kiosk. The witness indicated that the people did not know how to defend themselves when the soldiers shot at them. And he also indicated that a soldier shot the young man who was making the Molotov cocktails in the head and killed him.<sup>120</sup>

**The events in Senkata yet to clarified and responsibility for them has not been established and, impunity, therefore, persists. Some relatives of the victims report that they fear for their safety.**

## 4.2 ACCESS TO JUSTICE AND IMPUNITY

The statements collected by Amnesty International, particularly from human rights defenders and organizations, journalists, social communicators and relatives of victims who died the violence, reveal a lack of confidence that the Bolivian authorities will carry out independent and impartial investigations.

In this regard, the UN High Commissioner for Human Rights “called on the authorities to make data available on the number of people arrested, injured and killed during protests, and called for prompt, impartial, transparent and throughout investigations into them to ensure full accountability.”<sup>121</sup>

Similarly the Inter-American Commission on Human Rights urged “the State to adopt all measures necessary to prevent impunity, to protect the right to peaceful assembly, and to take urgent action to preserve Bolivians’ lives and integrity, as well as ensuring that journalists and autonomous institutions to protect and defend human rights can do their job”.<sup>122</sup>

<sup>120</sup> Interview with HG, 6 December 2019.

<sup>121</sup> OHCHR, ‘Bachelet says repression as well as unnecessary and disproportionate use of force risk inflaming situation in Bolivia’, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25305&LangID=E>

<sup>122</sup> IACHR, ‘IACHR Warns about the Risk of Impunity for Human Rights Violations in Bolivia, Calls for a National Dialogue to Reach a Constitutional Solution to the Crisis’, 19 November 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/296.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/296.asp)

On 5 December 2019, the Interim President promulgated Supreme Decree 4100 authorizing “compensation for the relatives of the deceased and cover for the cost of medical treatment for those who were injured as a result of the violence that took place in the country between 21 October and 24 November 2019”.<sup>123</sup> Article 4 of the Decree established a single payment of 50,000 bolivianos (BOB), (approximately US\$7,300) for each person who died for their heirs, that is relatives up to the first degree of kinship (children, spouses and parents). The Decree also establishes that “once the compensation and indemnification have been put into effect, reparation will have been realized regarding their claims before any international tribunal.”

In this regard, the IACHR noted that:

a piece of national administrative legislation such as this cannot prevent or obstruct people from accessing the IASHR [Inter-American Human Rights System]. The right to petition the IASHR is in no way affected by national measures of this sort because it is grounded in the state of Bolivia’s international treaty obligations. Furthermore, the IACHR emphasized that monetary compensation is only one component of the comprehensive reparation that the victims of electoral violence in Bolivia have a right to—the right to reparation also gives them legal grounds for claiming measures of satisfaction, justice, truth, rehabilitation, and guarantees of non-repetition from the state before both Bolivian and international organizations.<sup>124</sup>

Between 22 and 25 November 2019, at the invitation of the state, a delegation from the IACHR carried out an observation visit to Bolivia. On 10 December, the IACHR presented its preliminary observations following its visit and recommended, regarding access to justice and truth, justice and reparation:

1. Create an international mechanism to investigate the violence that has been unfolding in Bolivia since October 2019 and to provide this mechanism with guarantees of autonomy and independence to ensure people’s rights to truth and duly identify those responsible for the events. Specifically, this mechanism should take the form of an international group of independent experts.
5. Establish a program to provide immediate responses and comprehensive reparation for victims and their families.
9. Conduct an independent, focused legal review of all allegations made against people who were arrested and imprisoned during the protests and immediately release all those who are currently being arbitrarily or unjustifiably held in all types of detention facilities. Respect the due process guarantees for those who remain under arrest in connection with acts that are related to the protests and ensure that they have access to legal counsel and the administration of justice.
13. Take steps to investigate, prosecute, and sanction those responsible for all acts of violence that were committed perpetrated during the protests.
14. It is the state’s duty to protect those who have testified before the IACHR and those who do so in the future. Without prejudice to the appropriateness of inter-American precautionary measures as a basic preventive measure in specific cases, the IACHR formally requested the Bolivian state to take the necessary steps to guarantee the rights to life, personal integrity, and security of each and every one of the people who testified before the IACHR during its visit and who engaged in some form of dialogue with the organization. The IACHR is particularly concerned regarding the situation of people who spoke to its team and are deprived of their freedom or in hospital. It urged the state to provide immediate protection for these individuals by fast-tracking effective measures to this end. The state must also refrain from retaliating against these people or allowing others to do.
15. Commit to establishing a Special Follow-up Mechanism on Human Rights in Bolivia that will operate within the country and play a part in calming the current troubled social context.

Following up on the first recommendation, on 12 December 2019 the IACHR and the state signed an agreement to create an **Interdisciplinary Group of Independent Experts** to support investigations into the acts of violence and human rights violations that took place in Bolivia between 1 September and 31 December

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<sup>123</sup> Article 1 of Supreme Decree 4100.

<sup>124</sup> IACHR, The IACHR presents its preliminary observations following its visit to Bolivia and requests an urgent international investigation take place into the serious human rights violations that have occurred in the country since the October 2019 elections, 10 December 2019.

2019, composed of four high-level technical professionals with abundant experience in the protection of human rights appointed by the IACHR, with an initial six-month mandate.<sup>125</sup>

The IACHR stated that the group would have the following responsibilities: planning the investigation of acts of violence perpetrated against individuals, organizations, and authorities in Bolivia, in the context of socio-political tensions, protests and social unrest in the country; conducting a technical analysis of the lines of investigation that have been developed, issuing any relevant recommendations and assisting investigations to ensure they are adequate, comprehensive and aligned with the applicable international human rights standards; proposing the adoption of measures to ensure the safety of all the people involved in these investigations; and conducting a technical analysis – with any relevant recommendations – toward a Comprehensive Assistance Plan for Victims of these events.<sup>126</sup>

For its part, the state undertook to: grant these experts full access to the records of all criminal investigations and cases opened in this context, to public government reports on these events and to all facilities, infrastructure, resources and means necessary for the GIEI to do its job, as well as all security measures needed, in keeping with Bolivia's legislation.<sup>127</sup>

On 23 January 2020, the IACHR announced that Juan Méndez, Julian Burger, Marlon A. Weichert and Patricia Tappatá Valdez had been appointed to the GIEI.<sup>128</sup> A month later, on 21 February, the Minister of Justice requested, giving a specific deadline, that the IACHR change of composition of the GIEI, specifically Juan Méndez and Patricia Tappatá Valdez “for having a predetermined and biased opinion of the events that occurred in Bolivia”.<sup>129</sup>

This request, suggesting that two members be removed within a given timeframe constitutes interference with the autonomy of the IACHR and the independence of the GIEI in carrying out its work. On that occasion, Amnesty International issued, and now reiterates, a call to the Bolivian authorities to refrain from issuing statements that may affect the independence of the GIEI and to fulfil their publicly restated commitment to respect for human rights.

Amnesty International has repeatedly stressed that the Group's independence is essential to determine and clarify the acts of violence and human rights violations that occurred in the country between September and December 2019 and to guarantee the victims and their families' rights to the truth, access to the justice and reparation.<sup>130</sup>

On 28 April 2020, the IACHR announced that in order to strengthen the capacities of the GIEI, a fifth member would be appointed, and that in addition, following a meeting with the state, it had been agreed to continue move forward jointly – the state and IACHR – in preparing and approving the GIEI Code of Procedure (Protocolo de Actuación) before its installation, which would take place after the elections, with a tentative launch date of 2 October 2020. Likewise, the IACHR announced that it had been agreed that the IACHR's preliminary observations of December 2019 on the events of violence in Bolivia will not form the basis of the investigative work of the GIEI.<sup>131</sup>

**Amnesty International believes that an independent group of experts is essential to clarify the events reported. It, therefore, calls on the Bolivian authorities to make a real commitment to the work of the GIEI. This commitment should translate into meaningful practical measures such as the non-disqualification of its members; respect for its autonomy and independence; and full and unrestricted access to the necessary information related to the facts, including judicial and administrative files held by a state organ and including the Armed Forces and the Police, to assist in the investigations and clarify the truth of what happened; as well as ensuring the measures already indicated by the IACHR, such as access to the**

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<sup>125</sup> IACHR press release, 'IACHR Creates an Interdisciplinary Group of Independent Experts to Support Investigations into Recent Violence and Human Rights Violations in Bolivia, and Announces an On-Site Visit to the Country', 18 December 2019.

<sup>126</sup> IACHR press release, 'IACHR Creates an Interdisciplinary Group of Independent Experts to Support Investigations into Recent Violence and Human Rights Violations in Bolivia, and Announces an On-Site Visit to the Country', 18 December 2019.

<sup>127</sup> IACHR press release, 'IACHR Creates an Interdisciplinary Group of Independent Experts to Support Investigations into Recent Violence and Human Rights Violations in Bolivia, and Announces an On-Site Visit to the Country', 18 December 2019.

<sup>128</sup> IACHR, 'IACHR announces integration of Interdisciplinary Group of Independent Experts for Bolivia', 23 January 2020.

<sup>129</sup> Ministry of Justice Bolivia, Minister of Justice requests that the IACHR change members who will soon visit the country, due to their lack of impartiality, 21 February 2020, <https://www.facebook.com/notes/ministerio-de-justicia-y-transparencia-institucional-bolivia/ministro-de-justicia-solicit%C3%B3-cambio-de-integrantes-de-la-cidh-que-pronto-visita/2586005324979033/> (last accessed 9 July 2020) [Spanish only].

<sup>130</sup> Amnesty International, 'Government of Bolivia must respect the autonomy of the IACHR to appoint members of the expert group' (AMR 18/1865/2020), 25 February 2020 [Spanish only].

<sup>131</sup> IACHR press release, 'IACHR announces strengthening and tentative date for the installation of the Interdisciplinary Group of Independent Experts (GIEI) to assist in investigations of acts of violence and human rights violations in Bolivia', 28 April 2020 [Spanish only].



facilities, infrastructure, resources and means necessary to fulfil its task and the security measures required to carry out its work.

# 5. ATTACKS ON HUMAN RIGHTS DEFENDERS, JOURNALISTS AND SOCIAL COMMUNICATORS

Amnesty International expressed concern about attacks against human rights defenders even before the post-election crisis.<sup>132</sup> During the post-election crisis, the organization has also received reports of attacks on social communicators and journalists. In some cases, these attacks have occurred in the context of statements by authorities or former government officials that stigmatize, harass and make accusation against people and, in some circumstances, call for violence against people or groups.

## 5.1 HUMAN RIGHTS DEFENDERS: THE CASE OF WALDO ALBARRACIN SÁNCHEZ

For Amnesty International, the deteriorating situation facing human rights defenders in Bolivia is cause for concern. In the final years of the Evo Morales government, senior government officials,<sup>133</sup> including Evo Morales himself,<sup>134</sup> made statements that called into question the work of national and international civil society organizations and cast doubt on the obligation of the Bolivian state to protect and guarantee the right to freedom of expression, association and peaceful assembly.

Amnesty International received information indicating that government policies had been used to hinder the legitimate work of human rights organizations and to undermine their legitimacy,<sup>135</sup> for example, the Bolivian Documentation and Information Center (Centro de Documentación e Información Bolivia, CEDIB)<sup>136</sup> and the Permanent Assembly of Human Rights of Bolivia (Permanent Assembly, APDH), including its president Amparo Carvajal.<sup>137</sup>

In addition, Law 351 of 19 March 2013 on the granting of legal personalities and Supreme Decree 1597 of 5 June 2013, partially regulating the law, remain in force. The latter establishes the requirements non-governmental organizations (NGOs), foundations and other not-for-profit entities that work in more than one state department must fulfil in order to carry out their activities legally. The lack of clarity around these requirements continues to put civil society organizations at risk of losing their legal status and prevents them from functioning effectively.<sup>138</sup>

Attacks and threats against human rights defenders have a tendency to hinder and inhibit the important work they do, work that involves scrutinizing the actions of the authorities for possible human rights violations, putting them at risk of stigmatization and possible retaliation.

The grave situation faced by human rights defenders has been exacerbated during the post-election crisis, with human rights defender Waldo Albarracin Sánchez being an emblematic case.

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<sup>132</sup> See, among others, *Bolivia: Hostility against human rights defenders*, March 2019 (AMR 18/0485/2019) and ‘Bolivia: Concerns over accusations against human rights defender Amparo Carvajal by senior government authorities’, 8 November 2018 (AMR 18/9303/2018) [Spanish only].

<sup>133</sup> Video posted on the YouTube account of the Bolivian Interior Ministry, 24 August 2018, <https://youtu.be/PD7QZEMx20w> [Spanish only].

<sup>134</sup> President Evo Morales’ Twitter <https://twitter.com/evoespueblo/status/1036221941030551552>

<sup>135</sup> Information received by Amnesty International in 2017, 2018 and 2019. Organizations such as the Centro de Documentación e Información Bolivia (CEDIB) and the Permanent Assembly for Human Rights have expressed concern about this. Amnesty International issued an Urgent Action and a Public Statement expressing concern about the difficulties that human rights organizations and face in carrying out their work in the country (UA: 99/17, Index: AMR 18/7572/2017 and AMR 18/9303/2018).

<sup>136</sup> Urgent Action, Bolivian NGO and staff under financial threat, (UA: 99/17, Index: AMR 18/7572/2017), 7 December 2017.

<sup>137</sup> Amnesty International, ‘Bolivia: Concern over accusations against human rights defender Amparo Carvajal by senior government authorities’, (Index: AMR 18/9303/2018), 8 November 2018.

<sup>138</sup> One of the requirements of this law is that the organization’s statute be sent to the government, specifying its “contribution to the economic and social development” of the State. In June 2013, a subsequent decree (1597) was approved that added that the statute should specify “the scope of its activities aimed at contributing to economic and social development, taking into account the guidelines established in national planning, national policies and sectoral policies.” There is no clear definition of what “contribution to economic and social development” means, and failure to meet these requirements can lead to the loss of legal personality and, consequently, prevent civil society from acting effectively in the country.



 ↑ Waldo Albarracín at a press conference in La Paz on 27 October 2019. ©AIZAR RALDES/AFP via Getty Images

Waldo Albarracín Sánchez has a long history of defending human rights in Bolivia. He was president of the APDH from 1992 to 2003, Ombudsman from 2004 to 2008 and Rector of the Universidad Mayor de San Andrés (UMSA) until 30 November 2019. He is currently a member of the National Committee for the Defence of Democracy (Comité Nacional de Defensa de la Democracia, CONADE).<sup>139</sup>

In the context of his extensive work as a human rights defender, Waldo Albarracín and his family have been victims of attacks, threats, stigmatization, as well as smear campaigns through public statements by senior officials who have sought to delegitimize his work defending human rights.<sup>140</sup> In December 2018, the government publicly identified 43 people, including the Director of the APDH, Waldo Albarracín and Franco Albarracín, as promoting “violence and racism” during the protests of 6 December 2018 against a possible further presidential term for Evo Morales.<sup>141</sup>

<sup>139</sup> CONADE defines itself as “a Bolivian platform for civil participation that promotes plural and alternative democracy, and the fight against any system for perpetuation in power (dictatorship), without supporting any specific political party.” See <https://www.facebook.com/CONADEbo/> (last accessed 30 June 2020) [Spanish only].

<sup>140</sup> IACHR, Annual Report 2018, Chapter IV.A. para. 83. Interview with Franco Albarracín, 3 July 2019. For example, on 21 February 2018, Waldo Albarracín and his son participated in protests opposing the candidacy of former President Morales, in light of the results of the 2016 referendum that rejected his re-election, which was met with police repression. In this protest, Waldo Albarracín suffered from the effects of tear gas, and as a result need to be signed off sick for six days by the IDIF; his son, Franco, was hit by a gas grenade projectile. After making his complaint public, Waldo Albarracín was publicly vilified by government officials, particularly the former Interior Minister Carlos Romero, (*El Deber*, ‘Romero describes the Rector of the UMSA as the “worst actor”’, 21 February 2018 (last accessed 30 June 2019) [Spanish only] and the events remained shrouded in impunity. His son was the target of a smear campaign and criminal proceedings following a complaint from the Police Commander, Faustino Mendoza, who accused him of provoking police officers on 21 February (Agencia de Noticias FIDES, ‘Police accuse Albarracín and provide no clarification about the gas projectile fired by an agent, 23 February 2018, <https://www.noticiasfides.com/nacional/seguridad/policia-acusa-a-albarracin-y-no-aclara-sobre-proyectil-que-le-disparo-un-agente-385981#:~:text=El%20mi%C3%A9rcoles%20de%20febrero,impacto%20de%20derrib%C3%B3%20al%20suelo> (last accessed 30 July 2019) [Spanish only].

<sup>141</sup> EJU!, ‘Government accuses 43 political actors of stoking racism and violence’, <https://eju.tv/2018/12/el-gobierno-acusa-a-43-actores-politicos-de-avivar-el-racismo-y-la-violencia/> (last accessed 30 June 2019) [Spanish only].



← Print edition, La Razón.

According to public information, following the elections, on 21 October 2019, a peaceful vigil was held outside the vote counting centres. The Police had formed a cordon behind which a group of people were demonstrating in support of the government. Waldo Albarracin has stated that when he arrived at that location, and without any violence taking place, the Police “sprayed them in the face with gas.” Waldo Albarracin said: “the moment I covered my face and turned my back to the police, someone came and hit me with a blunt object on the head, I presume it was with an iron bar.”<sup>142</sup> The IDIF forensic medical certificate attested to the injuries and granted him 14 days’ sick leave.<sup>143</sup> A criminal complaint was filed about the attack, which Albarracin said has stalled.

After the incident, Waldo Albarracin and his family were subjected to threats by phone and on social media. Between 25 October and 10 November, Albarracin documented approximately 46 messages containing threats and harassment on his Facebook account.<sup>144</sup> He also documented statements by social leaders declaring their intention to physically assault him and/or expel him from the country.<sup>145</sup> Waldo Albarracin did not report the threats separately, but rather in the context of the complaint about his house being set on fire.

According to Albarracin, the threats came from a group of people called the “digital warriors” (*“guerreros digitales”*). These people are part of the General Directorate for Social Media of the Vice-Ministry of Communication created by Supreme Decree 2731 of 2016<sup>146</sup> with infrastructure, permanent staff and government financing.<sup>147</sup> According to public information, at a graduation ceremony for a group of “digital warriors” in Cochabamba in 2018, the then Vice-Minister of Communication Management, Rossío Pimentel,

<sup>142</sup> Interview with Waldo Albarracin, 3 July 2020.

<sup>143</sup> Public Prosecutor’s Office, Attorney General’s Office, Forensic Medical Certificate of Waldo Albarracin Sánchez.

<sup>144</sup> Information sent by Waldo Albarracin to Amnesty International.

<sup>145</sup> Statement of the “Red Ponchos” sent by Waldo Albarracin to Amnesty International; Erbol, ‘El Alto: FEJUVE-MAS issues an ultimatum to Camacho, Pumari and Albarracin to leave’, 9 November 2019, <https://erbol.com.bo/nacional/el-alto-fejuve-af%C3%ADn-al-mas-da-ultim%C3%A1tum-c%C3%ADvicos-y-advierte-con-crear-%E2%80%9Cpolic%C3%ADa-sindical%E2%80%9D> (last accessed 30 June 2019) [Spanish only]; Brújula Digital, ‘“Ponchos Rojos” threaten to take office in La Paz and El Alto and punish local and civic authorities’, 5 November 2019, <https://brujuladigital.net/politica/ponchos-rojos-amenazan-con-toma-de-alcaldas-de-la-paz-y-el-alto-y-castigo-a-autoridades-locales-y-civicas> (last accessed 30 June 2020) [Spanish only]; video provided by Waldo Albarracin showing threats against him, <https://www.facebook.com/100004461582776/videos/1498057247019647/>, November 9, 2019 (last accessed 1 July 2020) [Spanish only].

<sup>146</sup> In accordance with Supreme Decree 2731 of 2016, the General Directorate of Social Media has the functions of “g) Developing the government of the Plurinational State of Bolivia’s dissemination, consultation and interaction strategies with cyber communities; h) Improve the State information and communication platforms through the use of social media; i) Promote the use of social media by civil society”.

<sup>147</sup> *El Deber*, ‘Murillo: MAS digital warriors earn BOB16,000, 6 November 2018’, [https://eldeber.com.bo/14649\\_murillo-guerreros-digitales-del-mas-ganan-bs-16000](https://eldeber.com.bo/14649_murillo-guerreros-digitales-del-mas-ganan-bs-16000) (last accessed 13 July 2020) [Spanish only]; *Los Tiempos*, ‘The government spent 8.2 million bolivianos on social media accounts since 2016’, 12 June 2018, <https://www.lostiempos.com/actualidad/pais/20180612/gobierno-gasto-bs-82-millones-direccion-rss-2016> (last accessed 13 July 2020) [Spanish only].

stated that recent graduates must take steps to ensure the “defence of 12 years of the administration of and the defence of installation of President Evo’s administration” on social media.<sup>148</sup>

Following the attack on 21 October and the subsequent threats, on 10 November, after the announcement of President Morales resignation, a series of violent events occurred in various parts of the country, instigated by supporters and opponents of the MAS. In this context, a group of approximately 400 people attacked Waldo Albarracin’s house, destroying doors with dynamite and causing a fire. Although some of the family were able to escape from the house, a group of friends and two of Waldo Albarracin’s children were cornered; they later managed to escape over the walls and take refuge in the neighbours’ houses.<sup>149</sup> Albarracin told Amnesty International that he requested police intervention but that the police said that they were unable to come to his house. However, he pointed out that that same day the houses of other people on the national political scene, such as the Mayor of La Paz and Carlos Mesa, were guarded.<sup>150</sup>

## “When the attack on my house started, I called the police and they said they couldn’t come.”

Waldo Albarracin Sánchez

Albarracin said that like the “digital warriors” the mob that attacked his house “must have received instructions from above.” He also stated that despite the resignation of the former president, “the entire repressive structure remained intact providing all the means this group of vandals needed to operate.”<sup>151</sup>

Waldo Albarracin filed a complaint about these incidents with the Special Anti-Crime Force (FELCC) accusing those responsible of the crime of attempted murder.<sup>152</sup> According to preliminary investigations by the police and the Attorney General’s Office, the intention was to burn down the house with the family inside.<sup>153</sup>

Since the attack, Waldo Albarracin and his family have struggled to find a stable place to live and ensure their safety. He has continued to receive threats on social media “from here I hope that something terrible happens to you coz killing you would be giving you an award”, “I’m going to kill you, you son of a bitch”, “now your family is in danger we will burn you alive”, “Either today and tomorrow the UMSA be attacked”.<sup>154</sup>

Currently, as a member of CONADE, Waldo Albarracin continues to carry out his work defending human rights and has publicly exposed what he considers to be human rights violations committed by the Bolivian authorities. He has also publicly denounced the violence by certain groups directed against health workers during the pandemic.

The death threats against him on social media have not stopped and in addition there is reason to suspect his phone is being hacked. According to the information revealed by various media outlets, an investigation conducted between March and May 2019 found that academic institutions, such as the Universidad Mayor de San Andrés, and human rights organizations, such as the APDH, had been victims of alleged illegal

<sup>148</sup> *La Tercera*, ‘Evo’s digital warriors’, 18 June 2018, <https://www.latercera.com/mundo/noticia/los-guerreros-digitales-evo/209982/> (last accessed 1 July 2020) [Spanish only]; *Los Tiempos*, ‘Government spends 8.2 million bolivianos on social media accounts since 2016’, 12 June 2018, <https://www.lostiempos.com/actualidad/pais/20180612/gobierno-gasto-bs-82-millones-direccion-rrss-2016>, (last accessed 1 July 2020) [Spanish only]; Eju.tv, ‘Minister refuses to reveal profiles of MAS “digital warriors” and says that a decree prohibits it’, 13 June 2018, <https://eju.tv/2018/06/ministra-se-niega-a-revelar-perfiles-de-los-guerreros-digitales-del-mas-dice-que-un-decreto-lo-prohibe/> (last accessed 1 July 2020) [Spanish only].

<sup>149</sup> Eju.tv, ‘The house of the Rector of UMSA ,Waldo Albarracin, set on fire’, 10 November 2019, <https://eju.tv/2019/11/queman-la-casa-del-rector-de-la-umsa-waldo-albarracin/> (last accessed 1 June 2020) [Spanish only]; Página Siete, ‘The house of the Rector of UMSA, Waldo Albarracin, in the Cota Cota area of La Paz, set alight’, 10 November 2019, <https://www.youtube.com/watch?v=5KSA8KQI-48> (last accessed 1 July 2020). [Spanish only].

<sup>150</sup> Interview with Waldo Albarracin, 3 July 2020.

<sup>151</sup> Interview with Waldo Albarracin, 3 July 2020.

<sup>152</sup> Complaint for attempted murder sent by Waldo Albarracin to Amnesty International in June 2020.

<sup>153</sup> *El Deber*, ‘Two people are apprehended for setting Waldo Albarracin’s house on fire’, 24 January 2020, [https://eldeber.com.bo/163753\\_aprehenden-a-dos-personas-por-la-quema-de-la-casa-de-waldo-albarracin\\_](https://eldeber.com.bo/163753_aprehenden-a-dos-personas-por-la-quema-de-la-casa-de-waldo-albarracin_) (last accessed 1 July 2020) [Spanish only]; Página Siete, ‘Two people accused of burning down Albarracin’s house charged’, 25 January 2020, <https://www.paginasiete.bo/nacional/2020/1/25/imputan-dos-acusados-de-quemar-la-casa-de-albarracin-244557.html> (last accessed 1 July 2020) [Spanish only].

<sup>154</sup> Messages sent to Waldo Albarracin’s official Facebook account forwarded to Amnesty International in June 2020.

phone hacking by of the Army and government authorities.<sup>155</sup> However, the government has not expressed an official position on these media reports

One of the most recent threats against Waldo Albarracin was in June 2020 when the words “you’re going to die” were painted on house that was burned down. According to Albarracin, the threats received under both the previous and the current governments were from digital warriors. Threats occur in the same way, they are uniform and consistent and “use the same lines, words and reasons.”<sup>156</sup> He points out that the threats usually occur after he expresses opinions against the government of former President Morales on Twitter or Facebook.

Albarracin stated that there has been self-censorship among human rights defenders and organizations during the post-election crisis for fear of attacks from the previous government and because of the lack of guarantees provided from the current government.

**“The current government has no interest whatsoever in generating protection mechanisms for civil society, least of all for human rights defenders. They don’t think it’s their quarrel, their quarrel is with the previous government”.**

Waldo Albarracin Sánchez

In view of the possible risk of irreparable harm to his life and personal integrity, given the gravity and urgency of the situation, on 28 February 2020, Waldo Albarracin requested precautionary measures from the Inter-American Commission on Human Rights (IACHR).<sup>157</sup> To date, however, they have not been granted.

On 25 December 2019, the IACHR granted precautionary measures in favour of Acting Ombudsperson Nadia Alejandra Cruz Tarifa and Nelson Marcelo Cox Mayorga, the Ombudsperson’s Office delegate for the department of Cochabamba, acknowledging the gravity and urgency of the situation and the risk of irreparable harm they face in view of the attacks and threats that prevented and undermined their work.<sup>158</sup>

Albarracin and his family lack protection from the Bolivian authorities and impunity persists for the attacks against them. Of the four people who were reportedly arrested on suspicion of the burning down of his home, one was released hours after the incident, two remain in preventive detention and one is under house arrest; the investigations have stalled “due to the pandemic”.<sup>159</sup>

The United Nations Special Rapporteur on the situation of human rights defenders noted in his recent report on the situation of human rights defenders, that:

States should ensure the prompt and effective investigation of intimidation, threats, violence and other attacks against women defenders, whether committed by State or non-State actors. Prosecutors and judges should take these threats and attacks seriously, operating independently and with gender sensitivity to ensure that perpetrators are brought to justice while safeguarding the dignity and security of women defenders.<sup>160</sup>

<sup>155</sup> Cabildeo, ‘Spying by the MAS: with fake antennas they tapped cell phone calls and messages’, 3 June 2020, <http://www.cabildeodigital.com/2020/06/espionaje-del-mas-con-antenas-chutas.html>, (last accessed 13 July 2020); Página Siete, ‘Study shows that there is a spying network with 17 fake antennas in La Paz’, 3 June 2020, <https://www.paginasiete.bo/seguridad/2020/6/3/segundo-estudio-existe-una-red-de-espionaje-digital-con-17-antenas-falsas-en-la-paz-257321.html> (last accessed 13 July 2020); Fake Antenna Detection Project, available at: [https://fadeproject.org/?page\\_id=1370&lang=es](https://fadeproject.org/?page_id=1370&lang=es); *El Deber*, ‘ATT instructs verification of antennas identified in spy network investigation’, 6 June 2020, [https://eldeber.com.bo/182595\\_att-instruye-verificacion-de-antenas-senaladas-en-investigacion-de-red-de-espionaje](https://eldeber.com.bo/182595_att-instruye-verificacion-de-antenas-senaladas-en-investigacion-de-red-de-espionaje) (last accessed 13 July 2020) [all Spanish only].

<sup>156</sup> Interview with Waldo Albarracin, 3 July 2020.

<sup>157</sup> The request for precautionary measures is registered as MC-167-20. Waldo Albarracin said that, despite having sent detailed updated information, including the events that occurred in April, May and June, to date the IACHR has not informed him that it has made a request to the State for information or granted the measures. Interview with Waldo Albarracin, 3 July 2020.

<sup>158</sup> IACHR, Resolution 67/2019, Precautionary Measure 1127-19, Nadia Alejandra Cruz Tarifa and Nelson Marcelo Cox Mayorga regarding Bolivia (Acting Ombudsperson) and Ombudsperson’s Office delegate for the department of Cochabamba) 25 December 2019, <http://www.oas.org/es/cidh/decisiones/pdf/2019/67-19MC1127-19-BO.pdf> [Spanish only].

<sup>159</sup> Interview with Waldo Albarracin, 3 July 2020.

<sup>160</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/40/60, 10 January 2019, para. 98.

Waldo Albarracín's is a paradigmatic case given his profile and long history as a human rights defender, as well as the attacks and threats suffered in the post-election crisis, for which impunity persists. Currently, Waldo Albarracín and his family do not have the necessary protection to continue their work defending human rights free from threats and attacks. Bolivia, therefore, continues to fail to fulfil its obligation to protect human rights defenders and to guarantee a safe and enabling environment in which they can carry out their work and exercise their right to defend human rights, as set out in the Declaration on Human Rights Defenders and other international and inter-American norms and standards<sup>161</sup> and jurisprudence.<sup>162</sup>

## 5.2 JOURNALISTS AND SOCIAL COMMUNICATORS

The IACHR's preliminary observations following its visit to Bolivia state that, between 20 October 2019 and 2 December 2019, at least 50 journalists from 20 media outlets were allegedly assaulted by demonstrators as well as by the National Police Force and the Armed Forces using excessive force.<sup>163</sup>

On 28 October, Amnesty International issued an Urgent Action after receiving information about threats against the journalist Mónica Ximena Galarza and the analyst Edgar Villegas. The journalist informed the organization that on 24 October she interviewed the analyst Edgar Villegas on TVU (Televisión Universitaria). The analyst had published data indicating alleged irregularities in the counting of the results of the 20 October presidential elections. Following the interview, Mónica Ximena Galarza received hundreds of messages from unknown numbers on her cell phone, some of which threatened to take action against her.

Edgar Villegas, his family and Mónica Ximena Galarza told Amnesty International that when they left the television studio, they were followed by a series of vehicles: taxis and vehicles with tinted windows. Villegas told Amnesty International that, in days after the interview, his friends had received phone calls from his cell number, despite the fact that the phone had been switched off since the interview. In addition, both of them reportedly observed unknown vehicles and people outside their homes at various times. On 25 October, the TVU website stopped working for several hours, without explanation, and, according to the television station, during that time an alternative website appeared for the channel.<sup>164</sup>

On 28 October, the Ombudsman's Office issued a statement demanding that the "mobilized sectors respect the work and dignity of journalists and recalling that their daily coverage work involves going beyond the editorial line of the news service to which they provide their services".<sup>165</sup> It also reminded the National Police "that press workers are carrying out their work in the midst of the parties to the conflict, and therefore urges that they provide guarantees for their work and respect their credentials." Finally, the Ombudsman's Office "urged the media to take precautions regarding the work of their journalists and, in addition, ensure they had the necessary equipment to cover social conflicts and that they were not exposed to situations of high risk."

On the same day as Waldo Albarracín's house was set alight, a mob also set fire to the house of the TVU journalist Casimira Lema in the south of La Paz. The journalist and her family were not at home at the time. According to press reports, TVU played an important role in covering the post-election crisis, and consequently journalists for that outlet, such as Mónica Ximena Galarza, had received threats.<sup>166</sup>

The IACHR's Preliminary Observations after its observation visit to Bolivia highlighted the threats, attacks and attempts to silence journalists, media outlets and national and international social communicators.<sup>167</sup>

According to the journalists interviewed, the current interim government has targeted journalists and social communicators who are critical of the administration. Various government statements have created a climate of fear and censorship. On 14 November, the recently appointed Minister of Communication, Roxana Lizárraga, stated that "the press must have all the guarantees for their work and for those journalists or

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<sup>161</sup> OHCHR, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, 8 March 1999.

<sup>162</sup> See: Inter-American Court of Human Rights, *Case of the Human Rights Defender et al. v. Guatemala*, Judgment of 28 August 2014, *Case of Kawas Fernández v. Honduras*, Judgment of 3 April 2009 (Merits, Reparations and Costs); *Case of Nogueira de Carvalho et al. v. Brazil*, Judgment of 28 November 2006 (Preliminary Objections and Merits), and Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II, Doc. 66, 31 December 2011.

<sup>163</sup> IACHR, The IACHR presents its preliminary observations following its visit to Bolivia and requests an urgent international investigation take place into the serious human rights violations that have occurred in the country since the October 2019 elections, 10 December 2019.

<sup>164</sup> Amnesty International, 'Urgent Action: Bolivia: Researchers at risk for denouncing fraud' (UA 141/19, Index: AMR 18/1305/2019), <https://www.amnesty.org/en/documents/amr18/1305/2019/en/>

<sup>165</sup> Ombudsperson's Office, Ombudsperson demands guarantees for the work of journalists, 28 October 2019, <https://www.defensoria.gob.bo/noticias/defensora-del-pueblo-demanda-garantias-para-el-trabajo-de-periodistas> (last accessed 2 July 2020) [Spanish only].

<sup>166</sup> *El Deber*, House of journalist Casimira Lema set alight, 11 November 2019, <https://eldeber.com.bo/156249-que-man-la-casa-de-la-periodista-casimira-lem> (last accessed 2 July 2020) [Spanish only].

<sup>167</sup> IACHR, The IACHR presents its preliminary observations following its visit to Bolivia and requests an urgent international investigation take place into the serious human rights violations that have occurred in the country since the October 2019 elections, 10 December 2019.

pseudo journalists who are spreading sedition, we will act according to the law, because what some journalists, both Bolivians and foreigners, are doing is spreading sedition in our country they must answer to Bolivian law.”<sup>168</sup> When asked by the press whether they had already identified journalists who were spreading sedition, the Minister replied: “Yes, we have and the Interior Minister is going to take the appropriate action in all of this.”<sup>169</sup>

On 21 November, the Minister of Defence, Fernando López Julio, stated: “We are being attacked by terrorists using a campaign of communications and digital terrorism, therefore, we must know how to digest the messages.”<sup>170</sup>

On 7 January 2020, the Indigenous radio station (Radio de Pueblos Originarios, RPO) Kawsachun Coca reported that their equipment had been confiscated by a technicians unit from the Ministry of Communication in San Ignacio de Moxos. They reported that the seized equipment was provided by the Ministry of Communication to Radio Kawsachun Coca through the project “Reducing inequalities in access to information services in rural areas in the department of Beni” in 2015.<sup>171</sup>

Referring to the issue, on 8 January 2020, the Minister of Communication declared “we have allowed that radio to continue working, that is part of freedom of expression, we have not silenced those seditious voices that continue to call for confrontation, but freedom of expression also has its limits”. She also indicated that the government could take action against the radio station which, according to her, “misinforms the Bolivian people... seeking to protect corrupt governments, that are the product of drug trafficking.”<sup>172</sup>

Amnesty International interviewed a number of journalists and social communicators and/or their families who stated that the country is unduly restricting the right to freedom of expression.

PO (name withheld), a social communicator living near El Alto, said in an interview with Amnesty International that he was censured for criticizing the interim government. He said that community radios have had their permits withdrawn and have been harassed and persecuted using taxes and other administrative hurdles. He also reported that he has received death threats and has been a victim of racism “something he had never experienced before.”<sup>173</sup>

Similarly, a journalist, who asked to remain anonymous, told Amnesty International that she and her four-year-old daughter received threatening phone calls. Two days later, an unknown vehicle approached a relative’s home where she was staying and threw a Molotov cocktail.<sup>174</sup>

In its preliminary observations after its visit to the country, the IACHR reminded the state:

that it is the duty of public officials to ensure that their statements do not violate the rights of those who contribute to public debate by expressing and publishing their thoughts, such as journalists, the media, and human rights organizations. They must also be aware of the context in which they express their ideas to ensure that these do not interfere directly or indirectly with or otherwise jeopardize the rights of those who seek to contribute to public debate by expressing and publishing their ideas.<sup>175</sup>

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<sup>168</sup> Porta del Noticias, ‘Bolivia’s Minister of Communication threatens journalism’, 14 November 2019, <https://www.youtube.com/watch?v=LkevNWFqurg> (last accessed 2 July 2020) [Spanish only].

<sup>169</sup> Porta del Noticias, ‘Bolivia’s Minister of Communication threatens journalism’, 14 November 2019, <https://www.youtube.com/watch?v=LkevNWFqurg> (last accessed 2 July 2020) [Spanish only].

<sup>170</sup> Erbol, ‘Minister López says that “terrorism” is also “communications and digital”’, 21 November 2019, <https://erbol.com.bo/nacional/ministro-l%C3%B3pez-dice-que-el-%E2%80%9Cterrorismo%E2%80%9D-tambi%C3%A9n-es-%E2%80%9Ccomunicacional-y-digital%E2%80%9D> (last accessed 2 July 2020) [Spanish only].

<sup>171</sup> Radio Kawsachun Coca Facebook profile, 7 January 2020, <https://www.facebook.com/RadioKawsachunCoca/posts/146541763466035> (last accessed 2 July 2020) [Spanish only].

<sup>172</sup> Diario Opinión, ‘Minister says that freedom of expression has limits and threatens radio station’, 8 January 2020, <https://www.opinion.com.bo/articulo/pais/ministra-dice-libertad-expresion-tiene-limites-amenaza-radioemisoras/20200108200435744987.html> (last accessed 2 July 2020) [Spanish only].

<sup>173</sup> Interview with PO, 9 January 2020.

<sup>174</sup> Anonymous interview with journalist, 9 January 2020.

<sup>175</sup> IACHR, The IACHR presents its preliminary observations following its visit to Bolivia and requests an urgent international investigation take place into the serious human rights violations that have occurred in the country since the October 2019 elections, 10 December 2019.



# 6. HARASSMENT OF POLITICAL OPPONENTS AND THOSE PERCEIVED AS SUCH

Amnesty International has reported how the post-election crisis has been characterized by harassment and threats targeting political opponents and people perceived as such by the interim government. It has also reported public threats issued by government officials who accuse political leaders of disseminating “misinformation” and journalists of spreading “sedition” and accuse people of participating in “movements of destabilization and disinformation” and of waging a “virtual war” against the government.<sup>176</sup>

In her update to the UN Human Rights Council, the UN High Commissioner for Human Rights, Michelle Bachelet stated: “I recently sent a mission to Bolivia, and my Office is strengthening engagement there to support UN efforts to overcome the current social and political crisis. The post-election crisis last year resulted in at least 35 deaths and 800 injuries, most of them during Army and police operations. The prosecution of dozens of former Government officials and individuals related to the former administration are a source of concern.”<sup>177</sup>

On 13 November 2019, the Interior Minister, referring to the former Interior Minister Juan Ramón Quintana, stated: “this morning I warned him if he continues to spread sedition, if he continues to behave in a destructive way, looking for Bolivians to die, because he is a man who thrives on the blood of the people... we are not going to allow that... I will immediately meet with the Police... and can give the necessary orders... we are going to hunt Juan Ramón Quintana... he is an animal that is killing people in our country”.<sup>178</sup>

Following the resignation of former President Morales, former government officials including the former minister Juan Ramón Quintana, applied for asylum at the Mexican Embassy in La Paz, where to date some former officials against whom criminal investigations have been opened, remain awaiting safe conduct passes to move to Mexico. In January 2020, the interim government announced that it had decided to initiate investigations into “the 592 former officials of the executive body of the government of the last 14 years to identify those who have committed crimes of corruption and diverted public resources and sent them mainly to other countries and who are currently seeking refuge abroad”.<sup>179</sup>

The UN Special Rapporteur on the Independence of Judges and Lawyers has also expressed his concern to the Bolivian government, exemplified by the case of the former government minister Carlos Romero, who was arrested in January 2020 as part of an investigation into alleged corruption, stating that the arrest “had a weak legal basis. It is another example of the use of judicial processes for political persecution. I reiterate the urgent call... to respect due process, the separation of powers and judicial independence.”<sup>180</sup>

The Rapporteur wrote to the Bolivian government stating that he had received information on “an alleged pattern of political and judicial persecution – for the purpose of retaliation – as well as harassment of former officials and political and social leaders linked to the Movement for Socialism (MAS) since the establishment of the current government”.<sup>181</sup> Romero was held in preventive detention for more than five months in the San Pedro prison in La Paz and denounced his conditions of detention there. According to publicly available information, on 18 June the First Anti-Corruption Judge ordered he be put under house arrest and set bail at BOB350,000 (approximately US\$51,000). And set as pre-trial conditions that he present himself at the Public Prosecutor’s Office every 15 days, banned him from contacting the anti-drug trafficking agency

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<sup>176</sup> Amnesty International, ‘Bolivia: Government must refrain from harassing and threatening political opponents and respect judicial independence’, (AMR 18/2428/2020), 29 May 2020.

<sup>177</sup> OHCHR High Commissioner updates the Human Rights Council on human rights concerns, and progress, across the world, 27 February 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25621&LangID=E>

<sup>178</sup> Statements by Arturo Carlos Murillo, 14 November 2019, <https://www.youtube.com/watch?v=I6NofrybeGE> (last accessed 10 July 2020) [Spanish only].

<sup>179</sup> Statement by Mathias Kutsch, Director of the Fight against Corruption, 8 January 2020, <https://www.youtube.com/watch?v=7KMQ-GYCb3o> (last accessed 10 July 2020) [Spanish only].

<sup>180</sup> Twitter account of the Special Rapporteur on the Independence of Judges and Lawyers, 8 June 2020, <https://twitter.com/UNIndepJudges/status/1270029934241566720/photo/1> [Spanish only].

<sup>181</sup> Twitter account of the Special Rapporteur on the Independence of Judges and Lawyers, 8 June 2020, <https://twitter.com/UNIndepJudges/status/1270029934241566720/photo/1> [Spanish only].

(Unidad Ejecutora de Lucha Integral Contra el Narcotráfico, UELICN), the Interior Ministry and other people related to the case.<sup>182</sup> Romero was released from the San Pedro prison on 30 June.

It should also be noted that on 11 January 2020, at an event in Buenos Aires, Argentina, where he arrived in December as an exile and has a pending request for asylum, former President Evo Morales stated: “if from here soon, I don’t know, if I were to return, or someone were to return, armed people’s militias, like in Venezuela, would need to be organized.”<sup>183</sup> After his statements, the Minister of Justice, Álvaro Coimbra, announced that legal actions would be initiated for these statements and that the State Attorney General should officially open a criminal investigation.

He also pointed out “we, as a government, have the obligation to guarantee peace, to guarantee the security of Bolivians and, within the constitutional mandate that we have, we as the Ministry of Justice, as the Interior Ministry, are going to initiate criminal proceedings against Mr. Evo Morales. In no way are we going to allow the boycott, we are not going to allow fraud, we are not going to allow a coup in Bolivia. We are going to guarantee, using all means, the peace and tranquillity of all Bolivians.”<sup>184</sup>

Days later, Morales publicly deleted the Tweet stating: “I don’t want anything that I say to be used as a pretext to persecute and repress my sisters and brothers.”<sup>185</sup> However, in early July the La Paz departmental Attorney General, Marco Antonio Cossío, charged Evo Morales with “terrorism” and “financing terrorism” and requested his preventive detention. The accusation is based on an audio recording allegedly from November 2019 in which Evo Morales, who was in Mexico at the time, spoke with the coca grower leader Faustino Yucra and asked him to blockade cities and cut off food supplies. According to information in the public domain, the Attorney General reportedly indicated that an IT investigation “enabled them to locate a video on the phone of Alejandro Y.S., the son of Faustino Yucra, which was circulated on social media” and that “the extracts have a high probability of identifying voice of Mr Evo Morales Ayma”.<sup>186</sup>

The post-election crisis in Bolivia has been compounded by the COVID-19 pandemic. The government has adopted a series of measures to deal with the pandemic. However, Amnesty International believes that the government has taken advantage of the context to adopt measures that seek to silence those who question its policies. Thus, on 21 March, Supreme Decree 4199 was issued, followed on 25 March by Supreme Decree 4200, which set out an identical provision stipulating that those who “incite non-compliance [with the Decrees], spread misinformation or create uncertainty among the population” would be prosecuted for public health crimes.

On 15 April, Interior Minister Arturo Murillo publicly reported on the apprehension and criminal prosecution of “67 political actors” accused of participating in “destabilization and disinformation movements” and of conducting “virtual warfare”, 37 of the whom had already been convicted through “expedited proceedings”.<sup>187</sup>

Similarly, on 23 April, Colonel José María Velasco, director of the Special Anti-Crime Force (FELCC) in Santa Cruz, reported on the arrest and criminal proceedings initiated, in accordance with Supreme Decree 4200, against a person allegedly linked to the Movimiento Al Socialismo party and accused of, among other things, spreading misinformation, criticizing the government, inciting a civil uprising and calling what happened in Senkata a massacre on their WhatsApp groups.

Amnesty International asked the Interior Minister to publicly clarify whether the criminal proceedings against the 67 people were based on Article 13.II of Supreme Decree 4200. The organization also requested information about the facts of the case and the criminal offences of which they are accused and the circumstances of their arrest. Amnesty International believes that, given the history of public threats issued by current government officials against political leaders accused of spreading “misinformation” and against journalists accused of “sedition”, the language used by the Interior Minister could unduly limit freedom of

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<sup>182</sup> ANF, ‘Judge orders house arrest of former Minister Carlos Romero in the UELICN case’, 18 June 2020, <https://www.noticiasfides.com/nacional/seguridad/juez-ordena-detencion-domiciliaria-para-el-exministro-carlos-romero-por-caso-uelicn-405212> (last accessed 10 July 2020) [Spanish only].

<sup>183</sup> CNN en español, ‘Evo Morales steps back from the suggestion the armed militias be set up in Bolivia’, 16 January 2020, <https://cnnespanol.cnn.com/2020/01/16/alerta-evo-morales-se-retracta-de-sugerir-creacion-de-milicias-armadas-en-bolivia/> [Spanish only].

<sup>184</sup> Vice Ministry of Communication, ‘Coimbra announces criminal process over Morales’ intentions to form “armed militias”’, 13 January 2020, <https://www.comunicacion.gob.bo/?q=20200113/28584> (last accessed 10 July 2020) [Spanish only].

<sup>185</sup> Evo Morales Twitter account, 16 January 2020, <https://twitter.com/evoespueblo/status/1217814429183741952> (last accessed 10 July 2020) [Spanish only].

<sup>186</sup> *El País*, ‘The Attorney General’s Office indicts former Bolivian President Evo Morales for terrorism’, 7 July 2020, <https://elpais.com/internacional/2020-07-07/imputado-por-terrorismo-el-expresidente-boliviano-evo-morales.html> (last accessed 11 July 2020) [Spanish only].

<sup>187</sup> Interior Minister Arturo Murillo press conference, [https://www.facebook.com/watch/live/?v=3031688733604783&ref=watch\\_permalink&t=533](https://www.facebook.com/watch/live/?v=3031688733604783&ref=watch_permalink&t=533) (last accessed 11 July 2020) [Spanish only].

expression in the country by generating censorship of political leaders, journalists and human rights defenders, including health workers.<sup>188</sup>

On 7 May, Supreme Decree 4231 was published, which modified both provisions to indicate:

II. Anyone who incites non-compliance with this Supreme Decree [4199 and 4200] or disseminates information of any kind, whether in written, printed, artistic form and/or by any other actions that put at risk or affect public health, generating uncertainty in the population, shall be liable to be indicted for crimes established in the Penal Code.

Amnesty International expressed concern that this legislation violated the right to freedom of expression and called for it to be repealed. In addition, it would allow the authorities to launch criminal prosecutions of health workers, journalists and political leaders who express opinions critical of government policies.<sup>189</sup> Likewise, the OAS Special Rapporteur for Freedom of Expression noted that: “the provision is broad and vague and poses a threat to criticism of policies or journalistic information. It does not comply with the principle of legality and is not consistent with the overriding interest of protecting health. The Rapporteur also reiterates that use of the criminal law to criminalize expressions of public interest is disproportionate.”<sup>190</sup>

Similarly, the Inter-American Court of Human Rights has stated that: “All the measures that States may adopt to address this pandemic and that may impair or restrict the enjoyment and exercise of human rights must be temporarily limited, legal, adjusted to well-defined aims based on scientific criteria, reasonable, absolutely necessary and proportionate and in accordance with other requirements developed in Inter-American human rights law.”<sup>191</sup>

In response to the concerns raised, 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 of ignoring the situation and Bolivian regulations and gives assurances that the guarantees of due process were respected for the 67 people arrested and prosecuted for “crimes against public health”. However, the Deputy Minister did not provide the rest of the information requested by the organization: that is, an answer as to whether the criminal proceedings against these people were based on by Article 13.II of Supreme Decree 4200; the facts of the case; and the circumstances of their arrests, including basic information such as the date, time and place in which the arrests occurred and which authority carried them out.

On 14 May, the government announced the repeal of the provisions in the supreme decrees that criminalized freedom of expression<sup>192</sup> and reiterated 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 standards and to refrain from harassing or threatening political opponents.

**Amnesty International is concerned about the climate of harassment and threats to political opponents or those perceived as such in Bolivia. Furthermore, such harassment could unduly restrict 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 perceived by other powerful actors as a sending a dangerous message of tolerance for acts that threaten or censor contrary opinions and as carte blanche for impunity.**

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<sup>188</sup> Amnesty International, ‘Bolivia: Minister Arturo Murillo must publicly clarify charges of “destabilisation” and “misinformation” against 67 people (AMR 18/2171/2020), 17 April 2020.

<sup>189</sup> Amnesty International Americas Twitter account, 8 April 2020, <https://twitter.com/AmnistiaOnline/status/1247971499316850694?s=20>

<sup>190</sup> Twitter account of the Office of the Special Rapporteur, 11 April 2020, [https://twitter.com/RELE\\_CIDH/status/1249009901944418306](https://twitter.com/RELE_CIDH/status/1249009901944418306) (last accessed 11 July 2020) [Spanish only].

<sup>191</sup> Inter-American Court of Human Rights, COVID-19 and human rights: The problems and challenges must be addressed from a human rights perspective and with respect for international obligations, 14 April 2020.

<sup>192</sup> First additional provision of Supreme Decree 4231, Paragraph II of Article 13 of Supreme Decree 4200 and Paragraph II of Article 7 of Supreme Decree 4199.

# 7. CONCLUSIONS AND RECOMMENDATIONS

In view of the developments described in this report, Amnesty International believes that during the crisis that followed the October 2019 elections, human rights violations were committed, including the excessive and unnecessary use of force by the National Police and the Armed Forces in public order operations, such as during protests; attacks against human rights defenders, journalists and political opponents; and statements by high-ranking officials containing threats and sometimes calls for violence and attacks on freedom of expression and judicial independence.

While all this continues with impunity, the crisis is currently exacerbated by the COVID-19 pandemic and by allegations of corruption in the acquisition of equipment, as well as the pressure being exerted on judges dealing with these cases, including their detention. The pandemic is reaching very worrying dimensions in the country, disproportionately affecting those in vulnerable situations, especially Indigenous Peoples.

Amnesty International has monitored the human rights situation in Bolivia for many years.<sup>193</sup> The country has a regrettable history of impunity for past serious human rights violations and crimes under international law, such as enforced disappearances, torture and arbitrary detention during the 18 years of military rule (1964-1982); during the events in El Alto in 2003, known as the “Black October” massacre, in which 67 people died and more than 400 were injured during protests; the “Pando massacre” of September 2008, in which 13 people died, mostly peasant farmers; and the “May 24” case, also from 2008.

Although the organization’s concerns did not begin with the current post-election crisis, this report limits itself to analysing this crisis so that these human rights violations are not forgotten and shrouded in impunity. The report starts from an analysis of the complex context in which this crisis has been developing, with protests in support of former President Morales, who claimed there was a coup d’état, and opposition groups, who claimed there had been electoral fraud; the role of the Armed Forces in this context; and the added complications arising from the COVID-19 pandemic and its disproportionate impact on Indigenous Peoples.

The report includes many questions that have not yet been clarified, especially the circumstances in which at least 35 people lost their lives and another 833 were injured during the events of November 2019, among others, and in the repression of the protests in Sacaba and Senkata. It also documents attacks against human rights defenders, journalists and social communicators and the harassment of political opponents and those perceived as such, including judges.

Amnesty International concludes that, given a context of increasing polarization and intolerance; acts of stigmatization, discrimination and racism against Indigenous Peoples; and lack of confidence in the Bolivian authorities to deliver independent justice, Bolivia needs an independent mechanism made up of international experts in order to unravel the truth and provide justice and reparations to victims and their relatives. A fundamental step in this direction has been taken with the agreement with the Inter-American Commission on Human Rights for the creation of an International Group of Independent Experts (GIEI) to clarify the facts.

Amnesty International believes that the independence of the Group is essential in order to determine and clarify the acts of violence and human rights violations that occurred in the country between September and December 2019 and guarantee the rights to truth, access to justice and reparation of the victims and their relatives, so that the history of impunity is not repeated.

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<sup>193</sup> Mainly on aspects related to the rights to truth, justice and reparation for the victims and relatives of victims of the serious human rights violations committed in Bolivia under military and authoritarian regimes between 1964 and 1982; sexual and reproductive rights; the rights of LGBTI people, the situation of human rights defenders and the rights of Indigenous Peoples. See, among others, *Bolivia: Hostility against Human Rights Defenders*, March 2019, (AMR 18/0485/2019); ‘Bolivia: Concerns over accusations against human rights defender Amparo Carvajal by senior government officials’, 8 November 2018, (AMR 18/9303/2018); Amnesty International Report 2017/18: *The state of the world’s human rights*, Bolivia (pp. 94-95), 22 February 2018, (POL 10/6700/2018); ‘Bolivia: Further information: Bolivian NGO and staff under financial threat’, 7 December 2017, AMR 18/7572/2017; ‘Bolivian civil society centre under threat’, 28 April 2017, (AMR 18/6139/2017); Amnesty International report 2016/17: *The state of the world’s human rights*, ‘Bolivia’ (pp. 86-87), 22 February 2017, (POL 10/4800/2017); Amnesty International Report 2015/16: *The state of the world’s human rights*, ‘Bolivia’, (pp. 88-90), 23 February 2016, (POL 10/2552/2016); ‘Bolivia must urgently create a truth commission to clarify past human rights violations’, 22 January 2016, (AMR 18/3234/2016); *Bolivia: Briefing to the UN Committee on the Elimination of Discrimination against Women*, 11 June 2015, (AMR 18/1669/2015); Human Rights Council adopts Universal Periodic Review outcome on the Plurinational State of Bolivia, 20 March 2015, (AMR 18/1256/2015); Amnesty International Report 2014/15: *The state of the world’s human rights*, ‘Bolivia’ (pp. 78-80), 25 February 2015, (POL 10/0001/2015).

Amnesty International awaits the prompt installation of the GIEI and believes that the only way it can fully carry out its mandate is if its independence and access to information are guaranteed.

In light of the above,

**AMNESTY INTERNATIONAL URGES PRESIDENTIAL CANDIDATES TO COMMIT PUBLICLY TO:**

1. Ensure the prompt installation of the Interdisciplinary Group of Independent Experts, as well as full access to information and assistance in criminal investigations for acts of violence and possible human rights violations, in accordance with its mandate.
2. Refrain from making statements that affect the independence of the Interdisciplinary Group of Independent Experts and the legitimacy of its members, as well as its technical team.
3. Adopt measures to ensure a thorough, independent and impartial investigations and refrain from preventing the prosecution and punishment, where appropriate, of the people who are found responsible for human rights violations and acts of violence committed during the post-election crisis.
4. Adopt measures to guarantee the rights to truth, justice and reparation for the victims of the events in Sacaba and Senkata.
5. Withdraw military forces from law enforcement operations, including during protests.
6. Establish a plan to provide immediate support and comprehensive reparation for victims of post-election violence and their relatives.
7. Respect judicial independence and refrain from harassing political opponents or those perceived as such, through the use of general legal provisions or those related to COVID-19, criminal proceedings, public statements or detention.
8. Refrain from adopting measures of any kind that unduly restrict the right to freedom of expression.
9. Adopt measures to review criminal proceedings and convictions based on Decrees 4199, 4200 and 4231.
10. Publicly acknowledge the legitimate work of human rights organizations and defenders.
11. Promote an environment in which human rights defenders can freely carry out their legitimate work in defence of human rights.
12. Refrain from threatening and attacking human rights organizations and defenders who are critical of government policies and opinions.
13. Review Law 351 and Supreme Decree 1597 to ensure that legal requirements relating to NGOs and not-for-profit entities do not impede their independence or their ability to carry out their legitimate work.
14. Adopt measures to ensure thorough investigations into threats and attacks against human rights defenders, in particular against Waldo Albarracin and his family.
15. Guarantee the autonomy and independence of the Ombudsman's Office so that it has the tools to carry out its work effectively and free from interference.
16. Adopt measures to guarantee the work of journalists and social communicators and refrain from making threatening statements that help create a climate of fear and censorship.
17. Publicly acknowledge that acts of corruption can affect and hinder the enjoyment and exercise of human rights and commit to their being investigated and punished appropriately, with full respect for the guarantees of due process.
18. Guarantee the rights of Indigenous Peoples to consultation and free, prior and informed consent about projects that may affect them, in accordance with the provisions of ILO Convention No. 169, the UN Declaration on the Rights of Indigenous Peoples and the jurisprudence of the Inter-American Court of Human Rights.
19. Design and implement a comprehensive public health policy to protect Indigenous Peoples from COVID-19, including those communities in a situation of voluntary isolation and non-contact and provide differentiated and detailed information and full participation for Indigenous Peoples in matters related to their health.
20. Prevent and do not foster acts of stigmatization, discrimination and racism against Indigenous Peoples.

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# HEALING THE PANDEMIC OF IMPUNITY

## 20 HUMAN RIGHTS RECOMMENDATIONS FOR CANDIDATES IN THE 2020 PRESIDENTIAL ELECTIONS IN BOLIVIA

Since the elections of 20 October 2019, Bolivia has been undergoing a grave social, political and human rights crisis. During this crisis, there have been reports of human rights violations and acts of violence exacerbated at different times by the intervention and actions of the security forces and currently by the COVID-19 pandemic.

To date, human rights violations and post-election violence remain shrouded in impunity and human rights defenders, journalists, social communicators, political opponents and those perceived as such, continue to report harassment, attacks and threats, at the same time as the country is facing the COVID-19 pandemic.

This document highlights some of the human rights concerns in the context of the post-election crisis that Amnesty International considers to be priorities and has monitored, without prejudice to the importance of other human rights issues still pending in Bolivia.

Amnesty International presents a series of recommendations for presidential candidates, urging them to publicly commit to a human rights agenda for the next five years, ensuring that their government proposals advance the fulfilment of the international obligations that Bolivia has voluntarily undertaken to uphold.