

£BOLIVIA

@Cases of Torture and Extrajudicial Executions Allegedly Committed by the Bolivian Security Forces

INTRODUCTION

Since 1989 Amnesty International has repeatedly raised its concerns to the Bolivian authorities regarding allegations of human rights violations committed by members of the security forces which include extrajudicial executions during security forces operations and torture and ill-treatment of detainees accused of membership of armed groups. The human rights violations denounced to Amnesty International have taken place allegedly as a result of a police offensive against the violent activities of newly formed armed opposition groups.

Amnesty International opposes and condemns abuses by armed opposition groups: these include arbitrary and deliberate killings, torture and hostage-taking. Nevertheless, abuses by members of such groups can never provide justification for government forces to violate basic human rights such as the rights to life and physical integrity.

Amnesty International has been concerned at reports which indicate that political detainees accused of membership of armed groups have been subjected to torture and ill-treatment by members of the security forces, during the initial period of their detention, which in most cases has exceeded the 24 hours allowed by the Bolivian Constitution. Reports and testimonies received by Amnesty International have stated that detainees have been kept in incommunicado detention for over two weeks, during which time they have been kicked, punched and subjected to prolonged beatings and threats by members of the police and army. Some victims have denounced treatment involving torture with electric shocks and submarino (repeated immersion in water), and subjection to mock executions. These allegations persisted into the beginning of 1993.

On 6 August 1993 Mr Gonzálo Sánchez de Lozada of the Movimiento Nacional Revolucionario (MNR), National Revolutionary Movement, was inaugurated as President of Bolivia for a constitutional term of four years, succeeding President Jaime Paz Zamora of the Movimiento de la Izquierda Revolucionaria (MIR), National Revolutionary Left Movement. On several occasions Amnesty International presented its concerns to President Paz Zamora and representatives of his administration regarding allegations of human rights violations

committed by members of the security forces during the four years of his presidency. Amnesty International sought further information regarding the allegations themselves, the steps taken by the authorities to investigate them and the outcome of the inquiries opened as a result of the allegations. The organization also urged the Bolivian authorities to conduct a thorough and independent investigation in all cases of denunciations of alleged torture and extrajudicial executions.

Replies received by Amnesty International from the then Minister of Interior, Migration and Justice, Mr Carlos Saavedra Bruno and officials of the Ministry of Interior have dismissed all allegations of torture and ill-treatment. However, testimonies with specific and detailed information were collected by an Amnesty International delegation during a visit to Bolivia between the 8 to 20 May 1993. The documentation and interviews with relatives of the political prisoners and some of the prisoners themselves, tend to reveal a pattern of allegations which Amnesty International considers sufficiently serious as to warrant a thorough investigation by the authorities. Amnesty International is therefore submitting these cases to the government of President Gonzálo Sánchez de Lozada reiterating the organization's concern at the allegations of human rights violations and the apparent lack of a thorough investigation into such denunciations.

POLITICAL DETAINEES

Amnesty International has been following the cases of a number of prisoners, members of different armed groups, who have denounced torture and ill-treatment during the initial period of their detention. At the relevant time Amnesty International sent communications to the government expressing its concern at the allegations and urging for an independent inquiry. The Bolivian government has denied the allegations of torture and has pointed out that in the Bolivian legal system there is no provision for the typification of political crimes and therefore the detainees are being tried for common crimes.¹

Those in detention are members or alleged members of one of three armed groups that have appeared since 1989: the Fuerzas Armadas de Liberación Zárata Willka (FAL-ZW), Zárata Willka Armed Liberation Forces, the Comisión Néstor Paz Zamora-Ejército de Liberación Nacional (CNPZ-ELN), Néstor Paz Zamora Commission -National Liberation

¹Amnesty International considers as political prisoners those accused or convicted of an ordinary crime carried out for political motives. Amnesty International does not ask for special treatment for political prisoners. Amnesty International's concerns are related to the respect for their physical integrity and that they be tried in accordance with internationally-recognized standards for a fair trial.

Army and the Ejército Guerrillero Tupac Katari (EGTK), Guerrilla Army Tupac Katari. All three organizations have been accused of carrying out violent activities since 1989 and all three have accepted responsibility for their actions.

According to the available information there are at present 36 political prisoners, including five women. The male political prisoners are held in the high security prison of Chonchocoro, located at 23km. of La Paz, the San Pedro Prison in La Paz itself, and in San Sebastián prison in Cochabamba, capital of Cochabamba department. All five women are held at Obrajes women's prison in La Paz. During a visit to Bolivia in May 1993, Amnesty International representatives interviewed relatives and lawyers of a number of political detainees. The delegates also interviewed two political detainees at Chonchocoro and three at Obrajes prisons. During the private interviews which had been officially authorized, those prisoners who had alleged ill-treatment at the initial period of their detention confirmed it and provided accounts of the circumstances of their detention and characteristics of the ill treatment or torture they had been subjected to. None of them complained of ill treatment at present, although prison conditions in Bolivia are harsh due to overcrowding or extreme weather conditions and isolation as in the case of Chonchocoro.

A major complaint voiced by the prisoners interviewed and their relatives was the lack of recognition of their condition of political prisoners by the authorities. They argued that they are classified as and held together with common prisoners and yet, benefits and advantages granted to common prisoners are refused to them. For instance conjugal visits allegedly granted every two weeks to common prisoners are denied to them. They also claimed that they are not allowed to work at the prison's workshop, that disciplinary rules are more strictly applied to them and that they suffer discrimination because of their alleged violent political activities but, recognized standards of treatment for political prisoners are not applied to them either. Frustrated relatives complained that the prisoners are "nothing prisoners" (presos nada), not entirely fitting into any category.

Amnesty International believes that all prisoners should be treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.

TORTURE OF DETAINEES ACCUSED OF MEMBERSHIP TO ARMED GROUPS

At the beginning of 1992 dozens of people were arrested by police in the context of a police offensive against the armed group, Ejército Guerrillero Tupac Katari (EGTK), Tupac Katari

Guerrilla Army. The EGTK admitted responsibility for several bomb attacks on economic targets around the country in which three civilians were killed. All those arrested in connection with the activities of the EGTK have been charged with armed rebellion and terrorism. They are all awaiting trial.

Complaints presented to the Asamblea Permanente de Derechos Humanos de Bolivia, Bolivian Human Rights Assembly, by detainees and their relatives alleged that people arrested in connection to the activities of the EGTK, had been held in *incomunicado* detention for up to 17 days in secret locations, in the Ministry of the Interior and in the Centro Especial de Investigaciones Policiales (CEIP), Police Especial Centre for Investigations in the capital La Paz. It has been reported that during that time, the detainees were subjected to torture and ill treatment and threatened with the arrest of their relatives.

Among those arrested on suspicion of membership of the EGTK were **Sylvia María Renée De Alarcón**, a philosophy and social sciences graduate, and her husband **José Raúl García Linera**, aged 33. They were arrested by security agents in La Paz on 9 March 1992, handcuffed, hooded and taken to police installations where they were held *incomunicado* for 17 days. According to their own testimonies, they were kept in separate rooms and forced to stand for several hours in a contorted position known as the "pig" (*chancho*), (bent double towards and against a wall with the head touching the ground with the hands tied behind the back) while being beaten on the hips and buttocks. They were both threatened with their partner's torture and José Raúl García Linera was threatened with the rape of his wife and himself. They both stated that a state prosecutor (*fiscal*) was present during most of the interrogation and torture.

Another couple, **María Raquel Gutiérrez Aguilar**, a 29-year old Mexican citizen, and her husband **Alvaro García Linera**, were arrested on 9 and 10 April 1992 respectively, in La Paz in connection with the EGTK activities. In her testimony María Raquel Gutiérrez Aguilar stated that after her arrest she was taken to Ministry of the Interior premises where for about four days she was kept hooded, handcuffed and, for several hours at a time, made to stand in the "pig" position while being whipped, subjected to electric shocks in the genitals, neck and ears and threatened with her husband's torture. While still in *incomunicado* detention and the day before she was presented to a judge, Maria Raquel Gutiérrez Aguilar tried to commit suicide. Alvaro García Linera has stated that he was kept hooded and handcuffed in the Ministry of the Interior premises, where he was beaten, given electric shocks on the genitals and limbs for several hours at a time, and had nails driven into his toes and finger-nails.

In April 1992 church representatives, members of the Bolivian Human Rights Assembly and national deputies had denounced that both detainees' bodies had burns on their genitals, hands, chest, limbs and fingers. An independent medical report dated 18 April 1992 stated that Maria Raquel Gutiérrez Aguilar's body and limbs showed clear signs of having received electric shocks. ("Se evidencia lesiones por quemadura en los dedos medios e índice derecho, tórax, genitales y miembros inferiores.....las zonas de los pabellones auriculares y oído externo también fueron objeto de descargas eléctricas.") "There is evidence of injuries caused by burns on the middle finger and index finger of the right hand, thorax, genitals, and lower limbs ... her ears, including internal parts of the ears were also subjected to electric shocks".

On 17 May 1993 Amnesty delegates interviewed in prison the brothers José Raúl and Alvaro García Linera and their wives Sylvia María Renée De Alarcón and Maria Raquel Gutierrez Aguilar. They all confirmed their initial written statements and public allegations of torture.

In another testimony received by Amnesty International, **Juan Carlos Octavio Pinto Quintanilla** gives details of the first eight days of his unacknowledged detention. Juan Carlos Octavio Pinto Quintanilla age 29, sociologist and teacher in a Catholic primary school, was arrested by armed members of the security forces on 13 April 1992 in Cochabamba when he was leaving his place of work. He was transferred to a 'secret detention centre' (Casa de seguridad) where, while hooded, he was undressed, bound by the hands and feet and hung by his feet from the roof. He was beaten with a metal rod on the soles of the feet for periods of half-an-hour at a time, after which he was taken down and forced to run on the spot in order to reactivate the blood flow, apparently to avoid marks from the punishment. Juan Carlos Octavio Pinto Quintanilla in his testimony states that he was also subjected to a type of torture known as 'the bell' (la campana) where his head was covered with a metal container, possibly a cauldron, which was beaten repeatedly causing a loud noise which left no visible marks but caused him great distress. Also, while tied to a chair, his head was covered with a plastic bag which produced a feeling of asphyxiation. Juan Carlos Octavio Pinto Quintanilla states in his testimony that, when he was close to fainting, the plastic bag would be removed and the interrogation periods started. He was punched by his aggressors, whose fists appeared to be wrapped up in clothing material, and was subjected to threats against his family. For a period of about three days he was deprived of sleep.

On 16 April his parents were allowed to see him briefly and were informed of his participation in the activities of the EGTK and of his imminent transfer to La Paz. Because Juan Carlos Octavio Pinto Quintanilla's detention at that stage had not been officially recognized, his mother travelled to La Paz to locate his place of detention. In spite of her efforts Mrs. Quintanilla de Pinto was not allowed to see her son. With fear for her son's safety Mrs. Quintanilla de Pinto together with the parents of other EGTK prisoners who

allegedly had been tortured, attended a press conference to denounce her son's "disappearance", in view of the reluctance of the authorities to recognize officially his detention. Finally, on 22 April the police prosecutor (fiscal) presented Juan Carlos Octavio Pinto Quintanilla to members of the press and allowed his mother to visit him. On that occasion Juan Carlos Octavio Pinto Quintanilla publicly denounced the torture that he had been subjected to during the initial period of his detention.

According to the authorities Juan Carlos Octavio Pinto Quintanilla was detained on 17 April, although it is alleged that official information in the court indicates that the arrest took place on 13 April as claimed by Juan Carlos Octavio Pinto Quintanilla. On 23 April 1992 Juan Carlos Octavio Pinto Quintanilla was charged. His charges include armed uprising, illicit association and terrorism. At present he is detained in San Pedro prison in La Paz. Amnesty International is not aware of any investigation initiated by the authorities on Juan Carlos Octavio Pinto Quintanilla's allegations of torture.

Harassment by members of the police of relatives of members or suspected members of the EGTK has been reported to Amnesty International. In April 1992 **Mary Baltazar de Ortiz**, aged 34 and eight months pregnant was held under house arrest by members of the police together with her elderly father and her four children in her house in Villa Santiago II, at El Alto, a poor area of La Paz for 14 days. Her husband **Victor Ortiz** a former miner, was arrested on 10 April 1992 by members of the Minister of Interior accused of membership to the EGTK.

After 12 days of house arrest, members of the Human Rights Assembly and journalist gained access to Mary Baltazar who stated that her family and herself had been kept under police guard without contact with their neighbours or allowed to leave the house. She stated that when taken to the Intelligence headquarters a policewoman had threatened to cause her to miscarry because "surely you are carrying another guerilla" ("seguro adentro tienes otro guerrillero"). Mary Baltazar de Ortiz and her family's house arrest was lifted on 24 April 1992.

In his testimony, Victor Ortiz who is at present detained at the high security prison of Chonchocoro, denounced that he had been tortured while kept in incommunicado detention for three days at police installations controlled by the Ministry of the Interior. He was beaten all over his body while in the "pig" position, beaten on the sole of his feet while suspended by legs and arms and subjected to electric shock on his testicles.

Amnesty International has received complaints of the alleged torture of three university students after their arrest by security forces in May 1989. The three students, **Constantino Yujra and the brothers Nelson and Felix Encinas Laguna** were initially accused of belonging to the Fuerzas Armadas de Liberación Zárata Willka (FAL-ZW), Armed Liberation Forces which had claimed responsibility for the killing of two Mormon missionaries from the United States in May 1989.

Lawyers and relatives of the detainees Constantino Yujra and the brothers Nelson and Felix Encinas Laguna have publicly denounced that during the period when the detainees were kept in incommunicado detention, for over 10 days, they were subjected to physical and psychological violence. In August 1989 one of the detainees, Constantino Yujra, stated to the 6th Judge that while detained in the cells of the Ministry of Interior intelligence agents had subjected him to beatings and crushed his testicles to make him confess his participation in the killing of the Mormons. Amnesty International has called for an investigation into the allegations (see "Bolivia: Allegations of Human Rights Violations Committed by the Security Forces." AI Index AMR 18/04/90). No investigation is known to Amnesty International to have been carried out into these allegations.

In the second half of 1990 armed opposition groups increased their activities. In October an unknown armed group identifying itself as Comisión Néstor Paz Zamora- Ejército de Liberación Nacional (CNPZ-ELN), Néstor Paz Zamora Commission -National Liberation Army claimed responsibility for a number of violent attacks. Following the attacks, dozen of people, mainly students were detained and some released without charge. However, Amnesty International received reports which indicated that a number of those arrested had been subjected to torture, ill-treatment, mock executions, electric shocks, 'submarino' (immersion in water until near suffocation) and threats, by members of the police and army during the first days of their detention in secret locations in La Paz or

premises that they have identified as the Centro Especial de Investigaciones de la Policía (CEIP), Police Special Centre for Investigations, or at the Army Second Section (Segunda Sección del Ejército) in La Paz.

Amnesty International has received detailed testimonies from the victims or from their families, of human rights abuses against **Roberto Ibarguen, Carlos Pacajes, and Elvis Vargas**, following their arrest in early November 1990 in connection with activities of the armed group CNPZ-ELN. In their testimonies they all alleged that they were kept in incommunicado detention between four and ten days without access to their relatives and lawyers.

Amnesty International's information indicates that human rights organizations such as the Permanent Assembly for Human Rights and Peace and Justice Service as well as the Bolivian media, denounced and published the allegations of torture and ill-treatment of **Roberto Ibarguen, Carlos Pacajes, and Elvis Vargas** who were kept incommunicado between four and ten days after their detention without access to their relatives and lawyers. In December 1990 the national deputy Filemón Escóbar denounced publicly that Roberto Ibarguen and Carlos Pacajes had been tortured with electric shocks and 'submarino' during their detention at the Army Second Section in La Paz.

In testimony to Amnesty International, Roberto Ibarguen described his arrest at his place of work by agents of the Minister of Interior on 10 November 1990 and his detention at the Police CEIP and the Army Second Section in La Paz. Roberto Ibarguen stated that he was kept blindfolded and handcuffed most of the time, and was subjected to torture to extract information on possible members of the CNPZ-ELN and to make him confess his relationship with the group. In his testimony Roberto Ibarguen stated that he had seen Carlos Pacajes and that in the CEIP he had recognized Elvis Vargas' voice while being subjected to torture.

Roberto Ibarguen was released on 22 November 1990 after allegedly having been warned by a member of the Ministry of Interior not to give statements regarding his detention. Carlos Pacajes and Elvis Vargas still remain in detention.

APPARENT EXTRAJUDICIAL EXECUTIONS

Between 1989 and 1990 Amnesty International received a number of complaints that members or alleged members of the same armed groups had been killed during police operations or joint military-police operations in circumstances strongly suggesting that they may have been extrajudicially executed (see Amnesty International Reports 1990 and 1991). In all cases Amnesty International has called for a thorough and impartial investigation into those apparent extrajudicial executions.

Juan Domingo Peralta Espinoza

Juan Domingo Peralta Espinoza was shot on 20 July 1990 when he was intercepted by members of the security forces (see "Bolivia: Allegations of Human Rights Violations Committed by the Security Forces." AI Index AMR 18/04/90). Juan Domingo Peralta Espinoza died the same day in the Hospital John XXIII where medical assistance for his wound was allegedly denied on superior orders. Information received by Amnesty

International also indicates that his mother, who desperately sought attention for her son, was forcibly removed by soldiers who were present in the hospital in numbers exceeding 20.

According to a statement by the Ministry of Interior, Juan Domingo Peralta Espinoza had been identified as a member of the armed group Fuerzas Armadas de Liberación Zárata Willka (FAL-ZW), Zárata Willka Armed Liberation Forces. The statement said that he was killed during an armed confrontation with members of the security forces while resisting arrest. According to reports, however, no warrant for his arrest had been issued and there was no indication that he was being sought by the authorities. He was not in hiding and regularly attended his classes at the university. Juan Domingo Peralta Espinoza was the brother of Jhonny Peralta, wanted at the time by the police for alleged FAL-ZW activities.

Amnesty International welcomed information provided in a communication dated 28 November 1991 from the Ministry of Interior, that an investigation had been initiated by the authorities into Juan Domingo Peralta Espinoza's case to establish clearly whether the police officers involved had exhausted all other means to apprehend Juan Domingo Peralta Espinoza before using their firearms. Amnesty International requested information on the outcome of the investigation of the shooting and of any investigation which might have been initiated into the alleged obstruction of medical attention for Juan Domingo Peralta Espinoza.

Amnesty International has not received any information regarding the progress of any investigation into the apparent extrajudicial execution of Juan Domingo Peralta Espinoza. His relatives claim that no investigation has been initiated.

Military Operation on 5 December 1990

Apparent Extrajudicial Execution of Miguel Northtufter, Luis Caballero and Oswaldo Espinosa

A joint military-police operation was undertaken in La Paz on 5 December 1990 to rescue the Bolivian citizen Jorge Lonsdale, whose kidnapping in June of the same year, had been claimed by the CNPZ-ELN. As a result of the combined military operation, three alleged members of the CNPZ-ELN were killed: **Miguel Northtufter, Luis Caballero and Oswaldo Espinosa**, as well as Jorge Lonsdale who had been kidnapped by the CNPZ-ELN. Amnesty International expressed its concern to the Bolivian authorities that further information on the military operation appears to indicate that at least two of the members of the CNPZ-ELN killed may have been extrajudicially executed after having surrendered. The Ministry of the Interior indicated that as the kidnappers refused to negotiate the

freedom of their hostage, the Ministry of Interior was given a "green light to carry out the operation..." ("carta blanca para las operaciones correspondientes...").

Amnesty International wrote to President Jaime Paz Zamora on 17 December 1990 recognizing that the abduction of Mr Lonsdale was a serious crime, and stating that the action of armed opposition groups can never be used by government to justify violations of basic human rights, including the prohibition of torture and the right to life. Amnesty International also indicated in its communication that it is the responsibility of governments, in order to prevent human rights violations, to ensure that any action taken by law enforcement agents be carried out in accordance with the UN Code of Conduct for Law Enforcement Officials. Amnesty International has no information indicating that any independent investigation has been initiated to clarify the circumstances of the CNPZ-ELN members' death.

Evaristo Salazar - (Initially identified as Alejandro Escóbar Gutiérrez)

On 10 December 1990 the Ministry of the Interior stated that a fourth corpse had been found in the city morgue and identified as that of Alejandro Escóbar Gutiérrez a Peruvian citizen member of the CNPZ-ELN. According to morgue officials his corpse was delivered to the morgue between 6 and 7 December by police agents without any explanation. Autopsy reports indicated that the cause of death of Alejandro Escóbar Gutiérrez, later identified as **Evaristo Salazar**, was gunshot wounds and noted that his body showed clear signs of torture.

The authorities indicated that Evaristo Salazar, who had obtained forged identification papers as Alejandro Escóbar Gutierrez, was killed on 5 December while trying to escape from the police when helping to locate the hide out of the CNPZ-ELN.

Amnesty International has welcomed the information from the Ministry of the Interior regarding a police investigation and the trial of those accused of the killing on 6 December 1990 of the Peruvian citizen Evaristo Salazar. On 12 May 1993 Amnesty International delegates were granted an interview with the First Criminal District Judge (Juez de Partido Primero en lo Penal) in charge of the case. The Judge informed the delegates that the case has been recently referred to his office and that procedural difficulties were still being resolved before a verdict was reached on the substance of the case.

Amnesty International is concerned at the apparent failure of the authorities to investigate allegations that Evaristo Salazar's body showed clear signs of torture. Amnesty International would be grateful to receive information of the steps taken by the authorities to investigate these allegations and to bring to justice those found responsible.

Torture of other Detainees and Refusal of Medical Care

Amnesty International has also received complaints from relatives of political detainees with health problems that adequate medical care is often denied which could amount to cruel, inhuman or degrading treatment. In May 1992 and January 1993 Amnesty International initiated medical actions on behalf of **Wilfredo Vela Maldonado**, a 20-year-old insulin dependent diabetic, who since his imprisonment on 10 September 1991, has experienced a considerable deterioration in his diabetic condition. (See Bolivia: Medical Concern. AI Index AMR 18/01/92 and AMR 18/02/93)

Wilfredo Vela Maldonado was arrested in the northern city of Santa Cruz de la Sierra and transferred several days later to the city of Cochabamba. He is detained at the San Sebastián Prison in the city of Cochabamba awaiting trial on charges of having planted explosives in the Cochabamba Parliamentary offices. Since his imprisonment he has required urgent hospitalization on over six occasions and has entered a diabetic coma on more than one occasion. It has been reported that in December 1991 Wilfredo Vela Maldonado suffered cardio-respiratory failure after entering a diabetic coma. Allegedly the Governor of San Sebastián prison had initially refused to permit his transfer to a hospital at the time despite representations from doctors, and it was only after other prisoners threatened to riot that he was hospitalized. In March 1992 he was again reported to be close to coma, but the authorities were unwilling to remove him from prison for treatment allegedly because of his membership of the EGTK.

It has been reported that on the occasions that Wilfredo Vela Maldonado has been admitted to hospital, it has been to a private clinic for which he must pay the costs. The conditions and medical facilities at San Sebastián prison are inadequate to allow the proper control of his diabetes. Wilfredo Vela Maldonado is reported to be attended by a generalist doctor who is a fellow prisoner and who lacks the facilities to properly monitor and attend to his needs. Wilfredo Vela Maldonado has a diabetic cataract and, although ophthalmological consultation was recommended, it is not known whether he has received treatment for his cataract.

Wilfredo Vela Maldonado has also presented his testimony to Amnesty International where he claims that during the first eight days of his detention he was subjected to beatings, deprived of food and threatened with the "disappearance" of his brother and his 2-year-old nephew. He alleges that he was injected with an unknown substance that made him drowsy. Wilfredo Vela Maldonado states in his testimony that as a result of the torture and threats against his family he admitted the charges related to the attack on the Parliamentary premises.

Amnesty International delegates were informed that **Sylvia María Renée de Alarcón** arrested on suspicion of membership of the EGTK and detained at the women's prison of Obrajes had not received adequate treatment and supervision for her ill health related to Chagas disease, a condition caused by parasites which in its acute form could affect the muscles of the heart and produced severe gastrointestinal complications. A medical certificate was provided to Amnesty International delegates to substantiate Sylvia María Renée de Alarcón's claims.

Maria Mercedes Nava, a university student, was arrested at her family home on 22 November 1990 by agents from the Ministry of Interior in connection with activities of the armed group CNPZ-ELN. Allegedly, during the first 15 days of her detention in CEIP, she was held incommunicado and was not provided with medical attention requested by her family, which was required because of a road accident Maria Mercedes Nava suffered a few days before her arrest. According to information received by Amnesty International from her relatives, they were denied access to Maria Mercedes until she was prepared to say that she had been associated with the CNPZ-ELN. Her relatives also claim that a member of the police threatened to arrest the whole family and to torture Maria Mercedes' father in her presence.

In May 1993 Amnesty International delegates had separate interviews with Maria Mercedes Nava at the women's prison of Obrajes and also with members of her family. On both occasions concern was expressed regarding her health which has not improved since her detention as adequate medical attention is not provided.

COMMUNICATIONS TO THE GOVERNMENT

Over the years Amnesty International has presented to the Bolivian authorities its concern regarding these allegations and has urged for independent and thorough investigations and that those found responsible be brought to justice. Amnesty International is not aware that investigations have been initiated into most of the cases described above.

On 20 July 1992 Amnesty International wrote to the Minister of Interior, Migration and Justice Mr Carlos Saavedra Bruno in connection with the allegations of torture and ill-treatment denounced to Amnesty International by political prisoners and their families. Copies of this letter were sent to President Jaime Paz Zamora and the Minister of Foreign

Affairs. The Minister of Interior replied to Amnesty International at the end of September 1992 dismissing the allegations of ill treatment on the individual cases cited by Amnesty International in its July letter. In his September 1992 reply, the Minister also rejected as unreliable denunciations made by the Bolivian Permanent Assembly of Human Rights that political prisoners had been tortured.

During the Amnesty International visit to Bolivia in May 1993 the delegates sought an interview with the Minister of Interior Mr. Carlos Saavedra Bruno to submit the organization's outstanding concerns, which had already been the subject of previous communications, and the updated information and testimonies collected during the mission. During the interview, which took place on 18 May, the Minister stressed the ongoing fight of the authorities against drug trafficking and the violent activities of armed groups and, emphasized his personal interest and endeavour to uphold the respect for human rights within the country. He maintained the same line of response as in previous communications to Amnesty International and emphatically rejected any allegations of torture of people detained on charges of violent political activities, adding that ultimately it was only his word against theirs.

However, Amnesty International regrets that no evidence has been forthcoming from the Bolivian authorities of a thorough and independent investigation into the serious and consistent allegations of human rights violations described above.

Amnesty International delegates also brought to the Minister's attention the reports of ill health and lack of adequate medical attention for Sylvia Maria Renée de Alarcón, Wilfredo Vela Maldonado and Mercedes Nava. Minister Saavedra Bruno promised to look into the situation and to order the relevant adequate medical care. Amnesty International has not received information confirming the offer made by the Minister.

AMNESTY INTERNATIONAL'S CONCLUSIONS AND RECOMMENDATIONS

The human rights violations mentioned above indicate a pattern of human rights violations of those detainees suspected of membership of armed groups by members of the Bolivian security forces. Amnesty International notes with concern that, although the Bolivian Constitution establishes under Article 9 that no one may be detained for more than 24 hours without charge, all the detentions referred to in this report failed to observe this constitutional provision. Amnesty International is particularly concerned that allegations of torture of detainees while in police custody are not effectively investigated.

The torture of detainees in police custody is an unacceptable practice that must not be tolerated. International standards including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment require governments to take effective measures to prevent acts of torture in any territory under their jurisdiction. These practices also contravene the Bolivian government's commitments as State Party to the International Covenant on Civil and Political Rights.

Amnesty International welcomed the statement by The Ministry of Interior in its communication in November 1991 "within the rule of law, the Bolivian Government will continue to obey and use the law when necessary" ("Dentro del Estado de Derecho, el Gobierno de la República de Bolivia, persistirá en su conducta de acatar sus leyes y de imponerlas cuando sea preciso").

Amnesty International is, however, increasingly concerned that government agents responsible for upholding the law have apparently failed to respect the constitutional norm (Article 12) which forbids torture provides the necessary guarantees, which if properly enforced would do much to prevent human rights violations.

Article 12 of the Bolivian Constitution states that:

"All kinds of torture, coercion, exaction or any type of physical or moral violence are forbidden. Those who will apply, order, instigate or allow them will be penalised with immediate dismissal without precluding further sanctions.

(Article 12 - Person's Fundamental Rights and Duties
Bolivian Constitution)

"Queda prohibida toda especie de torturas, coacciones, exacciones o cualquier forma de violencia física o moral, bajo pena de destitución inmediata y sin perjuicio de las sanciones a que se haran pasibles quienes las aplicaren, ordenaren, instigaren o consintieren".

(Artículo 12 - Derechos y Deberes Fundamentales de la Persona
Constitución Política del Estado)

Amnesty International considers that all human rights violations within its mandate should be independently judicially investigated in the countries concerned and that such investigations should take place even after a change of government in those countries. Whatever mechanisms are used should effectively clarify the facts and respect the legal rights of

defendants. Failure to identify and bring to justice those responsible for human rights violations might encourage some to view extrajudicial execution, torture and ill treatment as acceptable methods of operation in the administration of national security in the future.

The organization believes that the government has a vital role to play in supervising investigations into cases of alleged torture and extrajudicial execution to ensure that such investigations are carried through to completion, and that those found responsible are brought to justice. Ending impunity for human rights abuses is one of the most important preventive measures against further such abuses.

In order to prevent new human rights violations and to fulfil the Bolivian government's commitment to protect human rights, Amnesty International believes that the government should:

- 1) send a clear message, through the chain of command of the police, army and security forces that unlawful killing and all forms of physical or psychological torture and ill-treatment are forbidden and will be punished with the full force of the law;
- 2) supervise all investigations into unlawful killings and take all necessary steps to ensure that thorough and impartial investigations are conducted so that those responsible for crimes are brought to justice;
- 3) initiate prompt and impartial and thorough investigations into all reports of torture ill-treatment and apparent extrajudicial executions and that its methods and findings be made public.

Amnesty International also urges the Bolivian authorities to take all necessary steps to guarantee the physical integrity of the detainees, their families and others who have provided the testimonies and complaints mentioned in this report, ensuring that they are not subjected to threats or reprisals.