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Bolivia: Justice for the Pando case

More than 21 months after the events known as the “Pando Massacre”, oral proceedings today commenced in the Sixth Sentencing Court in La Paz. At least 11 people died and around 50 more were injured in violence in this Amazonian department of Bolivia on 11 and 12 September 2008.

The events took place in the context of a demonstration by *campesinos* over concerns that developments in departmental land re distribution and natural resource management would be halted or reversed. In the days and months that followed, a number of national and international commissions were established to investigate the events and identify those responsible. Now, after a long wait caused by delays in legal proceedings and a series of procedural disputes, the case has finally reached trial.

The slow pace and instability of the Bolivian legal system has prolonged and increased the suffering of the victims of the Pando violence, who deserve a trial that ensures that impartial and fair justice is done. A long series of disputes over competence, and challenges brought by both parties, added to the incapacity of the justice system to respond clearly to each procedural challenge, has led to a situation of legal insecurity for both the victims and their families and the defendants.

It is now time to demonstrate to all those involved in the “Pando Massacre” case that the legal system in Bolivia is capable of acting independently and impartially, and of protecting their rights. The impartiality of the court will be determined by its ability to address all the violence related to this case, both the main events and others related to them. It would be unacceptable if the fragmentation of the investigative proceedings and the uncertainty around the corresponding legal framework were to put the victims’ rights to justice in any doubt.

Amnesty International considers that the serious events that took place in September 2008 must be subject to an independent investigation and a fair trial that culminates in the due punishment of those responsible and reparation for the victims.

These legal proceedings must, in turn, include the other possible human rights violations that were committed following the events of 11 and 12 September, such as the allegations of torture and other ill-treatment suffered by 15 peasant farmers illegally detained in Pando following the violence. Any allegations of a lack of guarantees during the arrest, transfer and detention of those accused at various moments in the proceedings must also be duly investigated and, if proven, those responsible punished.

In order to ensure a fair trial, and one that will, moreover, be viewed as such by society as a whole, it is essential that the presumption of innocence should prevail in this case, as in all criminal proceedings. Any expressions of condemnation regarding the case made by politicians before the court has passed judgement on the case may only hinder the court’s work and hinder the judges’ impartiality and independence.

Amnesty International has also been informed that witnesses and others have suffered threats because of their involvement in the case. It is of crucial importance that the relevant authorities investigate these threats and provide the necessary security to anyone in a vulnerable situation. Alongside this, the government needs to provide the resources necessary to ensure that witnesses living in Pando are able to travel to the court to take part in the trial in complete safety.

General Information

An Amnesty International delegation visited the Pando region, in the north of Bolivia, to investigate the status of investigations into the violent events of 11 and 12 September 2008, when at least 11 people died and around 50 more were injured. These tragic events took place in the context of a *campesino* demonstration over concerns at a possible backpedalling in land distribution and other natural resource management at departmental level.

The organisation also gathered testimonies with regard to threats and harassment of some witnesses, human rights defenders and union leaders in the context of this case.

Three private plaintiffs are involved in the trial commencing today, representing different victims of the events, along with the Public Prosecutor as formal prosecuting counsel. The charge was presented by the Public Prosecutor on 12 October 2009 and includes 26 defendants. The number of witnesses being brought by both the prosecution and the defence totals some 600.

The organization again visited Bolivia from 7 to 18 June 2010 to look into the reforms of the justice system. During the delegation's visit, it met with different political actors, members of the legislature, executive and judiciary, with NGOs and social movements and with representatives of the international community.

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