

Ref.: AMR / 18.03.05

AI Index: AMR 18/011/2003

Minister of Government  
Mr. Yerko Kukoc  
Ministry of Government  
Av. Arce esq. Belisario Salinas  
La Paz, Bolivia

London, 23 September 2003

Dear Minister,

Information received by Amnesty International regarding the events of 20 September in the town of Warisata, La Paz department, which left an alarming toll of six dead including one minor and several injured, is a cause of great concern to the organization. We are writing to you once again as a representative of the Bolivian authorities, in the interest of obtaining information related to the events and to the steps that are being taken to avoid a repeat of such incidents.

According to the information received by Amnesty International, on 20 September joint forces from the army and the police arrived in the area in order to lift the roadblocks on the La Paz-Sorata road, and to open the way for travellers, including tourists who had been cut off. In circumstances which have yet to be fully explained, violent incidents took place between peasants who were participating in the roadblocks and members of the joint security forces, leaving 5 civilians and one soldier dead, according to reports, from gunshots.

The information published states that the civilian victims were Ismael Marcos Quispe, Juan Cosme Apaza, Eugenia Condori, Primitivo Curaca and a minor of 8 years, Marilyn Rojas, and Sergio Vargas, a soldier. More than 20 people, including members of the joint security forces were injured during the incident. It is with great concern that Amnesty International has received information that indicates that the joint security forces violently forced their way into Warisata's "Elizardo Pérez" secondary school, firing shots inside the school. The joint security forces also reportedly shot at some private dwellings in the town.

Amnesty International has understood that as a result of the incident an unconfirmed number of arrests were made. Amnesty International would welcome information regarding the names of those persons detained as well as the charges made against them. The organization seeks assurances from the Bolivian authorities at every level that the physical integrity of those arrested is respected and that they are permitted access to their families and to lawyers.

Information received by Amnesty International indicates that a delegation comprising the Acting Human Rights Ombudsperson, Ms. Carmen Beatriz Ruiz, the President of the Chamber of Deputies' Human Rights Commission, Mr. Paulo Bravo and representatives from the Permanent Assembly of Human Rights visited Warisata on 21 September. Information published in the Bolivian press reports the concern of this delegation regarding the actions taken by the joint security forces, their use of lethal arms and war tactics.

Amnesty International has repeatedly written to the Bolivian authorities to present its concern regarding incidents of this nature that appear to indicate an excessive use of force on the part of the security forces. The organization has, in its correspondence, requested immediate, impartial and conclusive investigations, emphasizing the importance that these investigations be undertaken by civil courts, that their terms of reference and findings be made public and that those found responsible be brought to justice.

Amnesty International once again appeals to the authorities for this latest deplorable incident to be treated by the Bolivian authorities with the utmost diligence and transparency regarding its investigation by civil courts, in relation to both the deaths as well as the circumstances surrounding the events. Investigations must determine

whether the security forces used excessive and disproportionate force and if their actions conformed to the provisions set out in the Codes of Conduct and Basic Principles of the United Nations.

While Amnesty International recognizes the responsibility of the security forces to maintain order, the organization would like to remind the Minister and the Bolivian authorities that the use of force by law enforcement agents must conform to international norms. Amnesty International considers it of vital importance that the actions of the security forces conform to the provisions set out in the *Code of Conduct for Law Enforcement Officials* and the *Basic Principles of the United Nations on the use of Force and Firearms by Law Enforcement Officials*. These international norms establish strict limits regarding the use of firearms by law enforcement officials and establish that force can only be used when strictly necessary and proportionate to the objective or threat presented, and the use of lethal force must only be employed when it is unavoidable in order to protect lives.

Amnesty International has received information which indicates that roadblocks in the area of La Paz-Sorata have been taking place for several weeks in protest against the Bolivian government's failure to comply with agreements related to social and economic demands. Amnesty International would like to emphasize that human rights are indivisible and that the Republic of Bolivia is a State Party to the *International Covenant on Economic, Social and Cultural Rights*. This Covenant establishes in its Article 2(1) that every State Party is committed to adopting measures "individually and through international assistance and co-operation, especially economic and technical" in order to achieve by the appropriate means, "including particularly the adoption of legislative measures", the full realization of the rights recognized by the Covenant. These rights include, amongst others, the right to work, the right to an adequate standard of living, the right to health and to education.

Amnesty International calls on the Bolivian authorities to fulfil its international obligations by ensuring that these rights are taken into account during the formulation of economic policies and that the necessary measures are expedited, as set out in the *International Covenant on Economic, Social and Cultural Rights*, thereby recognizing the indivisibility of human rights.

The organization urgently calls upon the Minister and the Bolivian authorities to take the necessary steps to allow effective dialogue which would permit the solution of the critical situation currently occurring in the highlands (*altiplano*), and respectfully reminds him that any action taken by the State must be made within the parameters of full respect for human rights.

We look forward to receiving a reply to the concerns expressed above, and we would like to inform you that we are sending a copy of this letter to the President of the Republic, Mr. Gonzalo Sánchez de Lozada, to the Minister of the Presidency, Justice and Human Rights, Mr. José Guillermo Justiniano, to the Minister of Foreign Affairs, Mr. Carlos Saavedra Bruno, to the Acting human Rights Ombudsperson, Ms. Carmen Beatríz Ruíz and to the President of the Chamber of Deputies' Human Rights Commission, Mr. Paulo Bravo. We would also like to inform you that Amnesty International has decided to make this letter public.

Yours sincerely,

Susan Lee  
Regional Director for the Americas