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BOLIVIA : AMNESTY INTERNATIONAL APPEALS ON BEHALF OF HUNDREDS DETAINED UNDER STATE OF SIEGE LEGISLATION

Following the wave of indiscriminate mass arrests of trade unionists started by the Bolivian Government two weeks ago, Amnesty International is appealing to the Bolivian authorities to grant access to family and lawyers and to guarantee the physical integrity of hundreds of detainees.

The organization is also asking the Bolivian authorities to clarify the legal situation of those detained.

"Those people who have not used or advocated violence and have been arrested for peaceful trade union activities are prisoners of conscience, and -- in the absence of any criminal charges -- we ask for their immediate and unconditional release," Amnesty International said.

A delegation from the Human Rights Committee of the Chamber of Deputies has been granted access to the detainees, but the Minister of Government, Mr Carlos Sánchez Berzain, has reportedly said relatives and members of the press will not be allowed to visit those held in detention.

Mass arrests of trade unionists have continued under the state of siege legislation declared by President Gonzalo Sánchez de Lozada. Reports received by Amnesty International indicate that many of those detained have been subjected to ill-treatment, beatings and electric shocks shortly after being arrested. There is increased concern for the safety of all detainees, and for the state of health of at least four people.

Oscar Salas, Secretary General, *Central Obrera Boliviana (COB)*, Bolivian Labour Confederation, is reported to be seriously ill. He is being held in custody at the Air Force Headquarters in El Alto, a neighbourhood of La Paz. Although the Minister of Government stated that Salas is receiving medication, there is no information about the nature and cause of his ill-health. Also reportedly ill are Miguel Humerez, Hugo Campos and Juvenal Garavito Gamboa -- all held in Colcha K, an area with unhealthy climatic conditions and inadequate medical services.

According to Amnesty International, "the arrest procedures followed before the state of siege was declared seem to have contravened constitutional guarantees that nobody can be arrested without a written order issued by a competent authority."

A total of 74 people have reportedly been released, including a group of foreigners who were detained while attending an international meeting in the city of Copacabana a few hours before the state of siege was declared. All foreigners were released within 36 hours and most of them were subsequently expelled from Bolivia.

It is not clear how many of the scores of people also arrested by police on the same day remain in detention. However, nine Bolivian nationals -- members of trade unions of coca-leaf growers arrested in Copacabana -- are known to be detained at the headquarters of the *Policía Técnica Judicial*, Judicial Police in La Paz. Reports indicate that the official number of those arrested and still in detention is 362, most of them held in internal exile (*confinados*) in five remote areas in the country.

BACKGROUND

On 18th April, a few hours before the state of siege was declared, scores of people were arrested by police without judicial warrants in the capital La Paz and the city of Copacabana, La Paz Department, and there were reports of police raids on private houses around the country.

The reported arrests and declaration of state of siege followed three weeks of demonstrations, some violent, staged by the teachers' unions against the Educational Reform Law (*Ley de Reforma Educativa*) and the general strike called by the COB in support of the teachers' demands. Minister of Government Carlos Sánchez Berzaín stated that it is the duty of the executive to preserve and defend internal order and that the measure had been necessary as it had been impossible to maintain a dialogue with the union leaders.

Under Bolivia's constitution, the state of siege is an exceptional measure which the executive power may invoke in order to preserve public order. The state of siege allows for people to be held in internal exile, for curfews to be imposed, for public meetings and strikes to be banned and gives the security forces powers of arrest without a judicial warrant. The state of siege must be lifted within 90 days, or it will expire *ipso facto*. Article 111 of the constitution provides that individuals subjected to restriction under the state of siege shall be set free after 90 days, unless they have been placed under the jurisdiction of competent courts.

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