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## U.S. Department of State

### Bolivia Country Report on Human Rights Practices for 1997

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#### BOLIVIA

A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches with an attorney general independent of all three. The judiciary, while independent, is corrupt and inefficient. The executive and legislative branches share these defects to some extent. Implementation of the 1994 constitutional amendments to reform the political and judicial systems continued and was partially completed by the end of 1997.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations. A special antinarcotics force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities maintain effective control of the security forces, but some members of these forces committed human rights abuses.

Bolivia has extensive poverty, and many citizens lack access to such basic services as potable water, sewage, electricity and primary health care. Per capita gross domestic product (GDP) is about \$930. The country is rich in minerals and hydrocarbons, and extensive investments in petroleum deposits in the eastern part of the country are expected to form a basis for strong GDP growth in the future. Most workers engage in traditional agriculture, however, and many citizens will remain barely linked to the cash economy.

The Government generally respected the human rights of its citizens; however, legal and institutional deficiencies prevented their full protection. The most pervasive human rights abuse continued to be

prolonged incarceration of detainees due to antiquated procedures, and inefficiency and corruption in the judicial system. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Human rights groups criticized the FELCN and the UMOPAR for alleged abuses against coca growers and peasants in the Chapare region. An investigation by the Inter-American Commission on Human Rights found that security forces committed excesses resulting in the deaths of nine civilians in December 1996 and that the Government did not act to identify and punish those responsible. Investigations of alleged official abuses were slow. Other problems include harsh prison conditions, discrimination against and abuse of women and indigenous people, abuse of children, and inhuman working conditions in the mining industry.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of politically motivated killings. However, 14 civilians were killed in the course of law enforcement operations that encountered armed resistance. The precise causes and circumstances of these deaths have not been officially determined, but it appeared that some resulted from the use of excessive force by authorities. Four police officers were killed by gunfire and one by beating in these operations.

In December 1996, police and military forces were ordered to the Amayapampa area in Potosi department to dislodge miners who had seized a privately owned mine in a dispute with the mine's management. The miners had disarmed police units that tried earlier to recapture another mine seized from the same management. In the Amayapampa confrontations, nine civilians and one police officer were killed. The Government requested an investigation by the Inter-American Commission on Human Rights (IACHR). In its July report, the IACHR found that on December 19, 1996, four civilians were killed when police with riot gear and military troops with rifles fought civilians armed with rocks and dynamite. On December 20, 1996, a police colonel was killed by rifle fire from ambush; 27 other security officials and a civilian doctor were wounded. There were no civilian casualties in this encounter. Later that day, two civilians were killed when security forces using rifles occupied a village barricaded by civilians armed with rocks and dynamite. On December 21, a civilian nurse helping the insurgent miners bled to death from an untreated bullet wound in the leg. Four other civilians and three soldiers were wounded in the December 21 attack. The circumstances of the two additional confirmed civilian deaths have not been clarified. The IACHR concluded that some of the civilians killed were not active in the conflict.

Military authorities who took control of the area did not permit some autopsies, ballistics tests, or other normal investigative measures, although the Ministry of Justice requested them. The IACHR found that the Government was responsible for the undisciplined actions of its security forces, although they exceeded their orders, and that the Government was also responsible for not fully investigating the violent events and punishing those who caused the civilian and official casualties. After the inauguration of the new Government on August 6, the Minister of Justice and the Attorney General ordered a complete investigation of the Amayapampa incidents, which was still under way at year's end.

Violence increased in the Chapare region as the Government intensified its efforts to eradicate illegal coca in the first months of the year. Beginning on April 17, a series of clashes between coca growers and eradication forces led to the deaths of five civilians and one policeman. Three of the five civilians and the policeman died of gunshot wounds. Justice Ministry human rights investigators found that the fourth

civilian death, which had initially been attributed to gunfire, was caused by falling from a roof. The fifth civilian death, that of an infant allegedly overcome by tear gas fumes, occurred after human rights personnel took the child to a hospital. He was suffering from a severe infection, undernourishment, and dehydration. Family members withheld the bodies of the infant and the fourth adult civilian casualty from the authorities and buried them without an autopsy. In the course of the April encounters, 15 civilians and 3 police officers were wounded by gunfire. Another 27 civilians and 3 police officers suffered injuries unrelated to gunfire. An office of DIRECO, the coca eradication agency, and vehicles were burned, and three police officials were briefly taken hostage.

Police and DIRECO employees were ambushed on May 7 when returning to their bases. One policeman was killed and four other police and DIRECO personnel were wounded by gunfire. Despite extensive searches and claims to the contrary by coca growers, no evidence of civilian casualties was found. In August a policeman died from internal injuries caused by a blunt object, presumably a sling-fired stone, in the May 7 confrontation.

One policeman was killed and another wounded by gunfire in an ambush on July 2. One coca grower was wounded by shotgun pellets. Medical examination proved these to be lead pellets, not the rubber pellets used by police, indicating that he was, in fact, shot by his fellow coca growers. The police arrested eight coca growers in connection with this incident, but the case was not resolved.

The police temporarily arrested large numbers of civilians in connection with these confrontations but none were prosecuted. There were credible allegations that police used undue force in making some arrests. There were also credible complaints that UMOPAR members often did not wear name tags on their uniforms as required, making it impossible to identify individuals who allegedly committed abuses.

Final results of investigations of these events, the two law enforcement-related deaths reported in 1996, and the five deaths in the Chapare in 1995, have not been released. No action is known to have been taken against any officials involved. The police officer accused in 1994 of murdering coca worker Felipe Perez Ortiz, who escaped from custody in September of that year, has not been recaptured. The Government's failure to complete effective investigations and identify and punish those responsible for either civilian or police deaths within a reasonable time creates an atmosphere of impunity and a condition that almost amounts to lawlessness.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government honors the constitutional prohibition against torture. However, there were reports that police used undue force in detaining coca workers during antinarcotics operations. Although many such allegations clearly were politically motivated exaggerations, the similarity and volume of such claims suggest that they had some basis in truth. For example, during incidents in April, May, and July, police used excessive force in making some arrests (see Section 1.a.). However, no security personnel were charged or tried. In January police arbitrarily arrested and beat an official of a human rights organization (see Section 1.d.).

Several police officers were fired and charged for off-duty crimes including theft and rape. In general, however, police and prosecutors were reluctant to prosecute security officials for offenses committed while on duty. The Congress has yet to take action on the 1995 report of its Human Rights Commission

resurrecting allegations that police officials had in past years tortured captured terrorists and recommending that criminal proceedings be opened against a number of named officers.

Prison conditions are harsh. Prisons are overcrowded, and conditions can be life-threatening for inmates without money. Ability to pay can determine cell size, visiting privileges, day-pass eligibility, and place or even length of confinement. Cell prices range from \$20 to \$5,000, paid to prior occupants or to prisoners who control cell blocks. In the poorest parts of La Paz' San Pedro prison, for example, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Children up to 6 years old may live with an incarcerated parent; more than 1,200 children do so, according to a February government report. The authorities worked to get such children out of prisons, but many have nowhere else to go, and the Government considers it m