



# “They Shot Us Like Animals”

Black November & Bolivia’s Interim Government

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## Acknowledgments

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INTERNATIONAL HUMAN RIGHTS CLINIC  
HUMAN RIGHTS PROGRAM AT HARVARD LAW SCHOOL



UNIVERSITY  
NETWORK  
FOR HUMAN  
RIGHTS

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# I. Table of Acronyms

Adepcoca	Departmental Association of Coca Producers of the Yungas of La Paz
BBC	British Broadcasting Corporation
UNCAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CONADE	National Committee in Defense of Democracy
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
IDIF	Forensic Investigations Unit
IHRC	International Human Rights Clinic
ITEI	Institute of Therapy and Research on the Aftermath of Torture and State Violence
FAL	Light Automatic Rifle
FELCC	Special Force to Combat Crime
GA	General Assembly (of the United Nations)
MAS	Movement for Socialism
OAS	Organization of American States
SGBV	Sexual and gender-based violence
TIPNIS	Isiboro Secure Indigenous Territory and National Park
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UDHR	Universal Declaration of Human Rights
UNHRC	United Nations Human Rights Committee



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## II. Executive Summary

Following a disputed presidential election on October 20, 2019, Bolivia has endured a surge of human rights violations. On November 12, 2019, Jeanine Áñez Chavez became Bolivia's interim president with the mandate of restoring peace and calling new elections. Under her administration, however, state-sponsored violence, restrictions on free speech, and arbitrary detentions have all contributed to a climate of fear and misinformation that has undermined the rule of law as well as the prospects of fair and open elections.

In November 2019, state forces carried out operations that killed at least 23 Bolivian civilians and injured over 230. These casualties make November 2019 the second-deadliest month, in terms of civilian deaths committed by state forces, since Bolivia became a democracy nearly 40 years ago.

On November 15, three days after the interim government took power, state forces opened fire on a nonviolent march passing through the town of Sacaba, killing at least 11 people and injuring at least 120 others. All of those killed and injured were indigenous civilians. No police or soldiers were killed or injured. In response, Interim President Áñez published Decree 4078, which purported to give immunity to the security forces, sparking widespread condemnation from the international community.<sup>1</sup>

Four days later, on November 19, soldiers fired on demonstrators and bystanders outside the Senkata gas plant in El Alto, killing at least 11 and injuring over 50. Again, all casualties were indigenous civilians, and no police or soldiers were shot. The interim government asserted that civilians, not state forces, were responsible for the violence in Senkata.

In the weeks following these killings, security forces – often collaborating with para-state groups – entered neighborhoods, hospitals, and schools near the

sites of the killings, where they harassed, beat, and detained locals. For example, police arrested a disabled child, Kevin Calle Frauz, and his brother and sister, charging them with terrorism for, according to the siblings, walking through the wrong neighborhood. All three were tortured while in custody. Police also arrested artist Leonel Pajsi for sedition for carrying fliers in his backpack stating, “Flowers for the oligarchy, and bullets for the people” and “We are the people.”

Since the Sacaba and Senkata killings, the interim government has continued to persecute people that it perceives to be outspoken opponents of the Áñez administration. In November, then-Minister of Communications Roxana Lizárraga stated that the government had identified seditious journalists and threatened to take actions against them. The government has subsequently shut down critical media outlets, and police have attacked and arrested journalists and those tangentially connected to the press. For example, police arrested and charged journalist Alejandra Salinas with sedition after she wrote an online article condemning the government. The government also arrested and charged Orestes Sotomayor Vásquez for owning the domain of the website that published her article.

Members of the interim government, including Áñez herself, have also publicly maligned human rights defenders and political rivals, particularly those in the Movement for Socialism (MAS) party, referring to them as “Indian(s)” and “animal(s)” and suggesting that they are rapists. Furthermore, the interim government has charged a number of former politicians with vague crimes such as sedition or terrorism. By the beginning of 2020, over 100 MAS politicians had been detained or were facing charges, and nearly 600 former officials and their families were under investigation, prompting public statements of concern by representatives from the United Nations

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and the Inter-American Commission.

Civilian groups aligned with the government have also carried out human rights violations, often with the support of security forces. For example, anti-MAS protestors kidnapped the mayor of Vinto, Patricia Arce, dragged her through the street, dumped red paint on her, cut her hair, and forced her to denounce the MAS party. The Inter-American Commission granted Mayor Arce precautionary measures, requiring the interim government to provide her protections. Instead, the Áñez administration has harassed her, accused her of kidnapping herself, and charged her with sedition.

In response to these abuses, the International Human Rights Clinic at Harvard Law School (“IHRC” or the “Clinic”) and the University Network for Human Rights carried out a roughly six-month independent investigation, interviewing over 200 victims, witnesses, journalists, and officials, to document the repression that has occurred since the interim government came to power in November 2019. This investigation has identified four concrete areas in which authorities have violated the human rights of Bolivians and foreign nationals:

1. **State Violence Against Protesters:** In Sacaba and Senkata, the use of force by the Bolivian police and armed forces against unarmed or non-violent protesters and other civilians has directly violated the right to life. According to eyewitnesses in both locations, security forces opened fire – without giving prior warning – on unarmed civilians, including those assisting the injured. Security forces also beat protesters, using racist and anti-indigenous language as they attacked them. The pattern in which police or soldiers intentionally or negligently shot and killed citizens without restraint suggests that these actors carried out extrajudicial killings.
2. **Lack of Impartial Investigations and Access to Justice:** When a state knows or should know that an unlawful killing has occurred, it is re-

quired to conduct a prompt, effective, impartial, and transparent investigation. In regard to the killings in Sacaba and Senkata as well as other human rights violations since November, Bolivia has yet to fulfill this obligation. The IHRC team documented multiple alarming obstacles that have undermined comprehensive investigations, including evidence tampering; autopsy irregularities; overworked and under resourced prosecutors; refusal by state officials to provide information; and witness intimidation. These barriers undermine justice for the victims and create a climate of impunity in Bolivia.

3. **Persecution of Dissent:** Freedom of assembly, association, and expression are fundamental pillars of a functioning democracy. According to eyewitnesses, the Áñez administration has continued to undermine these rights since November 2019. Officials have threatened journalists and shut down critical media outlets; arbitrarily arrested and tortured activists; and charged political opponents with vague crimes such as “sedition” and “terrorism.” These attacks have provoked a climate of fear in many communities in Bolivia and have raised serious concerns about the possibility of and commitment to holding free and fair elections.
4. **Civilian and Para-state Violence:** State actors are not the only ones committing human rights violations in Bolivia. Civilians have organized into vigilante groups, undertaking policing functions under state sanction and carrying out attacks on political opponents. Often these groups have directly collaborated with state security forces when they commit abuses, raising concerns that they have been acting as para-state groups. International law affirms that governments may be held accountable for the actions of private entities that have been endorsed or condoned by a government.

Based on these violations, the IHRC offers the following preliminary recommendations that, if

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properly implemented, may assist the interim government in upholding the domestic and international legal obligations of the Plurinational State of Bolivia. Section X of this report provides more detailed recommendations and identifies the government and international institutions that can best address them.

## **To the Interim Bolivian Government:**

- 1. Investigate Human Rights Violations:** The interim Bolivian government should investigate the killings in Sacaba and Senkata, arbitrary arrests, the planting of evidence of crimes on detainees, and other human rights violations carried out by state actors since the interim government came to power.
- 2. Facilitate Impartial Investigations:** The interim Bolivian government should ensure that the military, police, state prosecutors, and para-state groups cease all forms of witness intimidation and guarantee that individuals will not be subject to reprisals for giving testimony. Public prosecutors should institute measures to protect victims of and witnesses to the human rights abuses under investigation.
- 3. Demand Accountability for Human Rights Violations:** The interim Bolivian government should hold perpetrators of human rights violations accountable and refrain from offering them amnesty through any law. Military courts should not have jurisdiction over cases involving soldiers.
- 4. Commit to Freedom of Speech:** The interim Bolivian government should reiterate and demonstrate its commitment to respect and uphold the right of media outlets to publish without fear of repression, first by releasing all journalists and human rights defenders arrested under charges of sedition or terrorism and second by reopening media outlets that the government has shut down.

- 5. Disassociate from Para-state Groups:** The interim Bolivian government should emphasize the illegality of para-state groups, encourage their dissolution, and sever any ties between such groups and law enforcement.

- 6. Hold Free and Fair Elections:** The interim government should fulfill its commitment to hold free and fair presidential elections as quickly as possible.

## **To the International Community:**

- 1. Condemn Human Rights Violations:** The international community should also condemn the killings carried out in Sacaba and Senkata, as well as other human rights violations that have occurred under the interim government, and withhold any economic or political aid if such abuses continue.
- 2. Insist on Free and Fair Elections:** The international community should call for free and fair elections to be held as quickly as possible and denounce the persecution of political actors and their supporters.

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## III. Methodology

This report is based on research and fact-finding conducted by the International Human Rights Clinic at Harvard Law School (collectively “IHRC” or the “Clinic”) and University Network for Human Rights on the violence and repression that has occurred in Bolivia under Interim President Jeanine Áñez. The report limits its focus to human rights abuses committed since the interim government came to power on November 12, 2019. It does not offer findings regarding: (1) the October 2019 elections and allegations of fraud; (2) the resignation of ex-President Evo Morales and whether that constitutes a coup; (3) the legality of Jeanine Áñez as the interim president; or (4) abuses committed before the interim government came to power.

Staff and students from the IHRC were in Bolivia for several weeks in October and November 2019 and again for nearly two months in December 2019 and January 2020, gathering relevant background information and documenting abuses in the country. The team interviewed victims and their relatives, political activists and human rights defenders, members of civil society organizations, journalists, lawyers, prosecutors, medical providers and hospital staff, investigators, officials in government ministries, and police and military officials, among others. Interviews were conducted primarily one-on-one, but in some circumstances, such as interviews with victims in hospitals or hiding in undisclosed locations, the conversations involved more than one person. On several occasions, members of the team were in locations while or just after human rights violations occurred, including in Sacaba on the day of the killings there.

Upon returning to the United States, the team undertook follow-up telephone interviews with witnesses, victims, and other stakeholders in Bolivia. Additionally, members of the team spent nearly five months carrying out desk research on the situation

in Bolivia, analyzing hundreds of photos, videos, and other forms of documentary evidence. The team also sent letters to the Ministry of the Interior and Ministry of Defense requesting information about the Sacaba and Senkata killings but have not received a response. Beginning in February 2020, students at Yale Law School worked with Thomas Becker, James Cavallaro and the IHRC team to review and analyze interviews and data, research and update information, and draft sections of this report. In total, the IHRC team interviewed over 220 individuals as part of this fact-finding investigation; most were victims or eyewitnesses of human rights abuses. All citations to individual interviews are based on first-hand knowledge, unless otherwise specified. Overwhelmingly, interviewees expressed a genuine fear of reprisal by the government for speaking to us. Accordingly, the names of most victims, witnesses, and other interviewees have been anonymized in order to respect their confidentiality and assuage their concerns about retaliation. Unless indicated otherwise, the identity of Bolivian government officials has not been anonymized.



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## IV. Background on the Current Crisis



Indigenous communities, led by indigenous women, march on November 15, 2019 in response to the recent anti-indigenous attacks in Bolivia. © Thomas Becker

In 2006, Bolivians elected the country's first indigenous president, Evo Morales of the Movement for Socialism (MAS) party. Many saw Morales' election as a victory for indigenous rights and racial equality.<sup>2</sup> His government created a new constitution that codified comprehensive rights for indigenous communities and traditionally marginalized groups.<sup>3</sup> Women and indigenous Bolivians began to occupy positions of power in the government in unprecedented numbers<sup>4</sup> and poverty declined dramatically.<sup>5</sup>

Despite various quantifiable advances in the country, certain sectors of the Bolivian population felt dissatisfied, particularly many in the middle and upper class who believed that their status had declined.<sup>6</sup> In Santa Cruz, agribusiness elites bitterly opposed Morales' challenges to neoliberal policies and his racial politics,<sup>7</sup> prompting many to call for secession from

Bolivia.<sup>8</sup> Others accused Morales of consolidating power in the executive.<sup>9</sup> Morales also received criticism from environmental and indigenous groups for expanding extraction and development projects<sup>10</sup> as well as for his response to the 2019 fires in the Amazon.<sup>11</sup>

The polarization around President Morales intensified during the leadup to the October 20, 2019 presidential elections.<sup>12</sup> In 2016, Morales lost a referendum that would have removed term limits for presidential candidates, blocking him from running for a fourth term.<sup>13</sup> In 2017, however, Bolivia's highest court issued a controversial decision that circumvented the referendum, allowing Morales to run in the 2019 presidential election.<sup>14</sup> The decision generated widespread dissent, particularly from the urban middle class.<sup>15</sup>



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To complicate matters further, the 2019 election itself prompted popular suspicion of irregularities and fraud. To avoid a runoff, a presidential candidate in Bolivia must either win 50% of the vote or garner 40% with at least 10% more than the closest opponent.<sup>16</sup> Final results showed Morales winning with 47.1%, followed by Carlos Mesa in second with 36.5%.<sup>17</sup> When the results were announced and Morales was declared the winner, many claimed fraud, sparking a wave of protests and strikes throughout the country.<sup>18</sup> The Organization of American States (OAS) conducted a preliminary audit of the results, finding “clear manipulation” in the election,<sup>19</sup> while the European Union called for a second round between Morales and Mesa.<sup>20</sup> Other investigators, however, including researchers at the Center for Economic and Policy Research and academics at the Massachusetts Institute of Technology subsequently concluded that the OAS audit was flawed and the voting numbers and reporting trends did not indicate fraud.<sup>21</sup>

In response to the OAS allegations and the growing protests in the country, Morales agreed to convene a new election.<sup>22</sup> Morales’ opponents, however, rejected this call. Demonstrators began demanding not only the election’s annulment, but also Morales’ immediate resignation.<sup>23</sup> Soon Bolivian police forces withdrew their support for Morales, and the military “suggested” that Morales resign.<sup>24</sup> Conservative opposition leader Luis Fernando Camacho stated on television that he bribed the police to revolt,<sup>25</sup> and later revealed that his father convinced the police and military to mutiny.<sup>26</sup> On November 10, 2019, Morales stepped down as President, saying that a coup had ousted him after a price was put on his head.<sup>27</sup> The next three officials in line, including the Vice President and the Presidents of the Senate and Chamber of Deputies, all MAS members, subsequently resigned amidst attacks on their safety, including death threats and the burning of houses belonging to MAS officials.<sup>28</sup> At least 40 more MAS officials resigned shortly after,<sup>29</sup> and for two days the country was left without a president.



Indigenous communities in Bolivia have adopted the wiphala as the pan-indigenous flag of the country. Following the resignation of Evo Morales, anti-Morales groups burnt the flag.  
©2019 Thomas Becker

Over the next two days, the country erupted. On November 11, Camacho entered the government palace with a Bible and a pastor, who declared, “The Bible has re-entered the palace. *Pachamama* (the indigenous Andean Mother Earth Spirit) will never return.”<sup>30</sup> Police removed the *wiphala* (the multi-colored flag representing the country’s indigenous peoples) from their uniforms, prompting a backlash from indigenous communities. Pro-MAS actors burnt La Paz city buses<sup>31</sup> and the homes of prominent human rights defender Waldo Albarracín and journalist Casimira Lema, both Morales critics.<sup>32</sup> Groups looted businesses in the wealthier southern zone of La Paz<sup>33</sup> and destroyed police stations in Cochabamba and El Alto.<sup>34</sup> Anti-MAS groups also carried out attacks during this time, ransacking and burning homes of MAS officials or their family members and attacking indigenous women in the streets.<sup>35</sup> Pro- and anti-MAS groups clashed in multiple cities and towns, resulting in at least six deaths.<sup>36</sup>

To fill the political vacuum after the resignation of the four top MAS officials in the government, opposition leaders met on November 12, 2019 to determine who would replace Morales. At this

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meeting were representatives of the Catholic Church; the Brazilian Ambassador; members of the Comité Nacional de Defensa de la Democracia (CONADE); a representative from the European Union; and opposition political leaders, including Jerjes Justiniano, a lawyer for Camacho and soon-to-be Minister of the Presidency for the interim government; and Ricardo Paz, campaign chief for Carlos Mesa's party.<sup>37</sup> None of these individuals were elected Bolivian officials.

activists, who contend that the interim government has acted to consolidate power and persecute rivals.<sup>53</sup>

This group decided that Jeanine Áñez, a Senate vice-president whose conservative party had secured 4% of the vote during the elections,<sup>38</sup> should become the interim president.<sup>39</sup> They called Áñez to offer her the position.<sup>40</sup> Two days later Áñez declared herself president during a nearly empty Senate session.<sup>41</sup> The opposition decried the transition as illegitimate since Áñez lacked the requisite legislative quorum.<sup>42</sup> MAS senators – who control two-thirds of the Congressional seats – had either boycotted the proceedings or did not attend due to safety threats.<sup>43</sup> Áñez then met with the armed forces and the police to gain their support for her presidency.<sup>44</sup>

As interim president, Áñez has stated that her role is to “unify” the country.<sup>45</sup> Critics have argued, however, that she has abandoned her mandate to hold elections, instead seeking vengeance on political rivals.<sup>46</sup> The interim government has fired countless government employees and dismissed 80% of the country's ambassadors abroad, stating that they were “political operators, spokesmen for Evo Morales and the policies of MAS.”<sup>47</sup> It has arrested and deported hundreds of foreign residents and diplomats<sup>48</sup> and cut relations with governments with which it disagrees.<sup>49</sup> Additionally, it has withdrawn from intergovernmental trade organizations.<sup>50</sup>

Despite her initial promise to serve only as a caretaker and step aside after the upcoming elections, Áñez has since decided that she will run as a presidential candidate.<sup>51</sup> To avoid a conflict of interest, she asked her cabinet to step down, only to rehire them a few days later.<sup>52</sup> These actions have led to widespread criticism even from anti-Morales politicians and



## V. State Violence Against Protestors

*“Today was like a war except all the weapons were on one side.”<sup>54</sup>*

– Anonymous protestor in Sacaba

In November 2019, state forces carried out operations that killed 23 Bolivian civilians and injured over 230, making November the second deadliest month in terms of civilian deaths committed by state forces since Bolivia began its transition to democracy nearly 40 years ago.<sup>55</sup> On the two most violent days – November 15 in Sacaba and Novem-

ber 19 in Senkata – Bolivian security forces used lethal force against protesters and other civilians that resulted in significant loss of life and injuries. The IHRC collected direct eyewitness testimony, videos, and photos of the attacks that demonstrate widespread human rights abuses by the state. Specifically, the Clinic found credible evidence that: (1) state forces engaged in disproportionate use of force, using live rounds against civilian protesters; (2) military and police used racist and anti-indigenous language during violent encounters with civilians; and (3) authorities created an atmosphere



Quechua woman paying her respects at the community memorial for those killed in Sacaba. ©2020 Thomas Becker

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of fear at hospitals, leading victims to avoid seeking medical care due to their legitimate concern about government retaliation.

Because this report is limited to events that took place after the interim government took power, the IHRC will focus primarily on the Sacaba and Senkata killings in November. However, several people were killed by state forces in the days leading up to the commencement of the Áñez presidency as well as after the October 2019 elections.<sup>56</sup> The current government has a responsibility to investigate those killings and punish those responsible.

## Sacaba

On Friday, November 15, Bolivian security forces opened fire on demonstrators on the main road that passes through Sacaba, a town outside Cochabamba. At least 11 civilians were killed<sup>57</sup> and 120 were injured.<sup>58</sup> All were indigenous.<sup>59</sup> Many witnesses stated that the casualty rate was substantially higher because victims were frightened to register their injuries with the government.<sup>60</sup> According to Bolivian officials, no state forces were killed or injured<sup>61</sup>

## The March

On the morning of November 15, thousands of indigenous protestors from the Chapare region of Bolivia, including many coca leaf growers, were in Sacaba as part of a march en route to La Paz.<sup>62</sup> According to the government, the protestors were supporters of Morales and the MAS party.<sup>63</sup> The political allegiance of protestors is irrelevant to the state's obligations to respect their right to demonstrate and their right to physical integrity. However, many of the people interviewed by the IHRC insisted that they were not there to express allegiance to a party.<sup>64</sup> Rather, they said that they marched to voice opposition to the recent attacks against indigenous women, degradation of the *wiphala*, and abuses by the transitional Áñez government.<sup>65</sup> One farmer explained, "They have been beating us, so we came

to reclaim our rights for *señoras de pollera* [indigenous women]."<sup>66</sup> Similarly, a Quechua mother lamented, "They treat us like animals... They insult us and hit us because of our clothes." She joined the protest that day because, she said, "I don't have the right to enter the city. I'm from the countryside. They want us to stay there."<sup>67</sup>

According to interviewees, the march was convened to be nonviolent. The IHRC interviewed over 100 demonstrators and other witnesses who were in Sacaba that day, all of whom stated that the motivations of the marchers were peaceful and/or that demonstrators were unarmed. Multiple protestors interviewed by the IHRC explained that the communities demonstrating that day had previously met and agreed that the march must remain non-violent.<sup>68</sup> The Six Federations of the Tropic of Cochabamba, a primary organizer of the march that represents coca farmers and other agricultural workers in the Chapare, reportedly imposed a strict rule against bringing any items that could be considered weapons.<sup>69</sup> Witnesses stated that protestors carried only sticks with *wiphala* flags, and some carried *petardos* (firecrackers), as is custom in protests across Bolivia.<sup>70</sup> Firecrackers are commonly used in Bolivia to announce the arrival of protestors, not to harm people.<sup>71</sup>

## Violence Against Demonstrators

*"I walked through the streets before the shooting and the people were totally peaceful. They were normal people doing normal things. They were street vendors. Everybody was calm. The military just started shooting."*<sup>72</sup>

– Julia Vallejos Villaroel, refreshment vendor in Sacaba

As the protestors passed through Sacaba, they were stopped by state forces who had arrived earlier that day. The police established a cordon at the Huaylani bridge at kilometer 10 of the Cochabamba highway<sup>73</sup> with masked police in front<sup>74</sup> and camouflaged military soldiers in lines behind them<sup>75</sup>



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Ahead of the state forces was at least one tank and a Neptune water-firing vehicle.<sup>76</sup> Witnesses also saw a helicopter (or helicopters) and a small war plane that flew above at a low altitude.<sup>77</sup> Protestors were surprised by the militarized nature of the stop. “The whole bridge was full of soldiers. There were tanks. It looked like a war zone,” Edwin Alejo explained.<sup>78</sup>

At around 3:30 p.m., the demonstrators at the lead of the march asked the police for permission to cross the bridge, while the rest of the group stood waiting.<sup>79</sup> The police told the protestors that they could cross in 30 minutes and directed them to remove their gas masks and place them on the ground along with their sticks holding the *wiphala* flag, which protestors said they did.<sup>80</sup> The police also told the women to come to the front.<sup>81</sup> As they waited, many individuals at the demonstration noticed the police bringing in more weapons and reinforcements.<sup>82</sup>

According to protestors, roughly 30 minutes to an hour later, the police began shooting tear gas at the gathered civilians without giving any notice or warning.<sup>83</sup> Having laid down their gas-masks and other protective gear, the demonstrators were surprised and defenseless.<sup>84</sup> Many protestors turned to run from the oncoming gas. Some began vomiting; others collapsed, choking.<sup>85</sup>

Eyewitnesses to the march, including protestors and bystanders, recounted watching mothers with babies on their backs, suffocating on the ground,<sup>86</sup> while youth and women who had been ordered to the front of the demonstration cried for help.<sup>87</sup> “I started running away on the street of the bridge. I saw three women passed out from the gas. I also saw another young girl about 18 years old passing out from the gas. I knelt over to help her,” recalled Nilo Pinto.<sup>88</sup> Others, including the elderly and children, dispersed, seeking shelter in nearby homes and businesses.<sup>89</sup> Some demonstrators who were unable to find shelter pulled rocks and rubber tires into the street to keep the state forces from advancing towards them.<sup>90</sup>

According to witnesses, approximately 30 minutes to an hour or more after state forces began shooting gas, the police and military started shooting rubber bullets and live ammunition at the demonstrators, again without any warning.<sup>91</sup> Security forces continued to fire on the crowd for an estimated two hours, with one demonstrator reporting first being shot at 4:30 p.m.<sup>92</sup> and the last at around 6:30 p.m.<sup>93</sup> Several demonstrators testified that soldiers shot them as they attempted to seek shelter.<sup>94</sup> Others witnessed soldiers shoot individuals as they provided medical assistance to wounded protestors or attempted to move them to safety.<sup>95</sup> The day after the killings, an injured man told the IHRC from his hospital bed, “I was trying to help other people who were shot. I had the hand of a person I was helping and [a soldier] shot my eye. I tried to help and they shot me. Here I am.”<sup>96</sup>

Eyewitnesses recounted how state forces chased some demonstrators who escaped, following them into private houses and businesses, where they beat and yelled racist comments at them.<sup>97</sup> After state forces shot Rodolfo Larico in the neck, he and his friends ran to a nearby home to seek refuge. When Rodolfo entered, he noticed several others, including elderly people, already hiding there. Soldiers entered the home and attacked the people who were in the front room. Rodolfo, who was vomiting from the pain of his injury, was hiding in the kitchen with his friends when soldiers broke the kitchen window, threw gas inside, and kicked down the door to drag them out. Because of the gas, the soldiers did not see Rodolfo, but they captured his friends. Rodolfo lay on the floor choking from the gas as he listened to the state forces torture them: “I heard them beat my friends, saying, ‘Fucking dogs, Indians. Why were you coming to the city?’ ... I heard a woman scream. The police took the others away. I didn’t know where they went.”<sup>98</sup> For the next hour or so, Rodolfo remained in the house as he heard shouting and bullet fire outside. “I couldn’t move because of my neck. I also would have rather died from the gas than get kicked and beaten by them, so I stayed in the



gassed kitchen on the floor alone,” he recalled to the IHRC from his hospital bed.<sup>99</sup> Eventually, after the security forces left, a group collected him and three others who had been injured and brought them to the hospital for treatment.

## Victim Blaming

*“The people didn’t have weapons, they had babies.”*  
100

– Rosmery Auca, local worker in Sacaba

The interim government’s explanation of what took place that day in Sacaba differs drastically from that of protestors and other eyewitnesses. Government officials have accused the demonstrators of having shot one another, citing that some of the injured were hit by bullets in their backs.<sup>101</sup> However, as many interviewees explained to the IHRC and as

eyewitness videos reviewed by the IHRC team reveal, people ran when soldiers began firing, and witnesses state that some civilians were shot as they turned to flee from the shooting state forces<sup>102</sup> Human rights advocates also cast doubt on the government claim that people were shot in the back, emphasizing that most victims fell backwards, away from soldiers, when they were shot.<sup>103</sup>

The interim government also has stated that soldiers and police were not responsible for the deaths because ballistics reports concluded that the projectiles found in the Sacaba casualties were not government issued.<sup>104</sup> Interior Minister Murillo stated, “The majority are dead from a .22-caliber bullet in the back of the head, or else in the back, or under the arm. What does this mean? This means that the people of MAS, those who stirred up the unrest, killed these people to get things going.”<sup>105</sup> Although .22-caliber bullets are not officially used



In front, memorials marking where Juan López Apaza and Lucas Sánchez were killed. In back, the Huayllani bridge, where soldiers were located on November 15, 2019. ©2020 Thomas Becker



by state forces, a former soldier in the Bolivian Army told the IHRC that officers bring their own personal weapons, including pistols that use .22 caliber bullets, to operations: “All the officers have pistols. Sergeants, officers, sub-lieutenants, lieutenants, captains... They all have their pistols.”<sup>106</sup> Demonstrators confirmed the account of the soldier, stating that they witnessed police and military use both rifles and pistols from their lines on the bridge.<sup>107</sup>

Investigations also indicate that bullets other than .22 caliber killed and injured civilians. A prosecutor in Sacaba stated that his office documented an official government bullet in one of the Sacaba victims,<sup>108</sup> and eight of the nine who were initially examined had bullet entry and exit wounds that suggest the use of “long guns,”<sup>109</sup> which can include rifles and machine guns. Protestors who had previously served in the Bolivian army identified the weapons used by most officials that day as AL rifle<sup>110</sup> and the bullets they saw in wounded bodies as FAL 7.62mm bullets.<sup>111</sup> Witnesses also said that state forces fired machine guns, and snipers shot from the helicopter flying above.<sup>112</sup> Demonstrators who previously served in the military identified the shooting soldiers in Sacaba as army officials, not conscripts.<sup>113</sup> The demonstrators concluded this based on the soldiers’ age and uniforms, since conscripts are generally around 18-years-old and wear local uniforms, whereas officials are older and have “nicer” uniforms.<sup>114</sup>

Members of the IHRC team examined the bullet holes in walls, posts, and containers in Sacaba on three separate occasions, including the night of the shooting. All of the bullet holes observed by the IHRC faced the direction of the bridge, which was where the soldiers were located on the day of the demonstration, suggesting that the soldiers fired the bullets. Several holes appeared to have been produced by bullets used in high caliber weapons based on the diameter and profundity of the holes.

Finally, Colonel Villca, the regional commander of the police who was authorized to speak to the IHRC on the Sacaba operations, confirmed that the police



Bullet holes on the wall of a house in Sacaba. The wall faces the Huayllani bridge, where soldiers were stationed on November 15, 2019. ©2020 Thomas Becker

did not locate guns on the protestors.<sup>115</sup> Though he stated that he believes protestors were armed, he told the IHRC, “We didn’t find any person armed.”<sup>116</sup> Villca also explained, “I cannot say if the soldiers shot, but yes the military has lethal guns . . . I can say that the truth is that I don’t know if they used weapons. They say no in the press. I don’t know.”<sup>117</sup> Villca also confirmed that no soldiers or police suffered injuries or deaths in Sacaba.<sup>118</sup> Colonel Villca’s statement is consistent with the experiences of all protesters and other civilians interviewed from Sacaba by the IHRC, who maintained that the only individuals with firearms were the state forces.<sup>119</sup> Moreover, as discussed in more detail in the Legal Section below, even if specific individuals were

armed, international law prohibits the indiscriminate shooting of unarmed protestors.<sup>120</sup>

## Challenges in Accessing Medical Treatment

During and after the massacre in Sacaba, people gathered injured civilians to bring them to receive medical care. Unfortunately, ambulances and hospitals lacked the capacity to handle the overwhelming quantity of casualties that day.<sup>121</sup> Abel Colque, a farmer from the Chapare region, said his ambulance

### Sacaba Map

At least 11 civilians were killed and at least 120 injured on November 15, 2019 in Sacaba.<sup>122</sup> One additional civilian was killed in a similar manner in the days prior to the march. Each of the 11 individuals killed in Sacaba was shot with live ammunition from a firearm.<sup>123</sup>

- |   |   |
|---|---|
| 1. César Sipe Mérida, 18 years old        | 7. Lucas Sánchez Valencia, 43 years old |
| 2. Omar Calle Siles, 26 years old         | 8. Julio Pinto, 51 years old            |
| 3. Placido Rojas Delgadillo, 18 years old | 9. Marco Vargas Martínez, age unknown   |
| 4. Emilio Colque, 21 years old            | 10. Roger Gonzales, age unknown         |
| 5. Armando Carballo Escobar, 25 years old | 11. Roberto Sejas Escobar, 28 years old |
| 6. Juan López Apaza, 34 years old         |   |



Map of Sacaba on November 15, 2019. The location of the casualties in red are based on GPS coordinates taken by the IHRC. The location of the soldiers in black are based on videos, photos, and testimonies of protestors, bystanders, and government officials. ©2020 Thomas Becker



# Gregoria Siles

*“I want justice for my son, for all of those killed.”*

– Gregoria Siles, mother of Omar Calle

With her arm still in a cast, Gregoria Siles clutched a photo of her 25-year-old son Omar Calle and recounted to the IHRC team the massacre that took place on November 15 in Sacaba. That day, she and her family decided to join a march against the interim government to protest the growing affronts on free expression, violent attacks on indigenous women, and disrespect towards the broader indigenous community. Gregoria says that their protest was passionate, but peaceful.

Gregoria was located at the front of the march when police began closing in. Gregoria and two other women—all draped in Bolivian flags separated from the march, walking ahead to speak with the commander of the forces. The women asked that the protestors be allowed to pass but the commander refused. The women rejoined the crowd, but, shortly after, the security forces started firing tear gas on the crowd

As the gas blurred their eyes with tears, the protestors dispersed in chaos. Gregoria, who was unable to run, fled towards a house where she hoped to seek refuge. Before reaching the home, two police officers captured her and hit her. She fell to the ground and one of the officers stepped on her arm, breaking it. The pain would come later. In the moment, however, she was only focused on escaping.

Gregoria got away from the officers, and, along with other protestors, entered a house. She hid under a table, concealed behind a tablecloth. Security forces entered the home, dragging protestors out and beating them. They completed three sweeps before finding Gregoria hidden under the table. They pulled her from the house.

Outside, the officers robbed Gregoria of her



Gregoria Siles Villaroel holds a photo of her son Omar Calle Siles in the location where he was shot. ©2020 Fabiola Alvelais

money. One officer taunted her, pushed her in the back and asked how much Evo and the union had paid her to protest. She responded, “No one made me come to the march, the union even less. I came here voluntarily because they burned the *wiphala* flag and they discriminate against women that wear *polleras*. That’s why we came.”

Meanwhile, her arm had swollen and was now pulsing with pain. As Gregoria began to cry, another detained protestor asked the officers what they had done to Gregoria. An officer responded only that Gregoria had been the woman carrying the flag earlier. Eventually, as Gregoria’s pain

intensified and the swelling persisted, the officers allowed her to go to the hospital.

At the hospital, health care workers took an x-ray and put Gregoria on an intravenous drip. She watched other protestors arrive to the hospital showing visible injuries from the forces' crackdown. It was in the hospital that Gregoria learned from a TV report that her son Omar had been killed at the protest.

When she heard the news that her son was dead, Gregoria broke down in tears and told the nurses she had to leave, that she had to be with her son. The nurses consoled her. They gave her slippers to replace the shoes she had lost in the protest, and they paid her taxi so she could get to Omar.

That night, she and the family members of oth-

er people killed that day held a memorial at the site of the killings. She cried, remembering Omar. He was caring, responsible, and athletic. He worked alongside his father in coca farms and had increasingly taken on responsibilities to care for his aging parents. He also had his own family and was father to a young son.

Gregoria has grieved against the backdrop of impunity. Gregoria says that the provisional government of President Añez has not punished anyone for killing her son. Rather, they offered her 50,000 bolivianos (approximately US\$ 7,250). Gregoria says she will not accept the money and will continue the fight for justice for her son and for their community's freedoms: "My son's value isn't 50,000...they're trying to silence us with these 50,000. But we don't want that. I want justice for my son, for his son."<sup>124</sup>



Omar Calle, his son Omar Calle Jiménez, and his wife Lurdes Jiménez. Omar's sister told the IHRC, "Omar loved his son more than his own life. Now his child cries, missing his father." ©2018 Angelica Calle





Victims in Sacaba receiving medical treatment at México Hospital on November 15. The hospital was so crowded that doctors had to tend to patients on the sidewalk outside. ©2019 Radio Kawsachun Coca

was so full that paramedics stacked him and two other victims in the passenger seat.<sup>125</sup> The wounded man lying on top of him had suffered three gunshot wounds in the chest and was bleeding profusely on Abel and the other passenger.<sup>126</sup>

When people arrived at the local hospital, México Hospital, they also encountered an entrance flooded with blood and injured people.<sup>127</sup> Because the hospital was at capacity, victims were turned away, with some seeking medical attention elsewhere. Others waited several hours for medical care, with many ultimately receiving treatment outside on the sidewalk.<sup>128</sup>

Several injured protestors stated that doctors questioned the wounded about why they were at Sacaba and asked how much money the Morales government had paid them.<sup>129</sup> Phones were confiscated from wounded patients, but it is unclear whether doctors or state forces at the hospitals took them.<sup>130</sup> Many injured protestors were too afraid to seek treatment because the government had threatened to put injured people in jail.<sup>131</sup> On the night of the shootings, November 15, the IHRC interviewed eight protestors in an undisclosed location and observed several dozen others hiding there. Some of these individuals were injured from the demonstrations, but chose not to go to the hospital because they feared that the government would register,

arrest, or disappear them.<sup>132</sup> The fact that injured civilians avoided going to the hospital, or were turned away by medical professionals, strongly suggests that the total number of casualties is higher than reported.

## The Government Response

On November 14, the day before the violence in Sacaba, the interim Bolivian government signed Supreme Decree 4078, which purported to immunize from criminal responsibility “Armed Forces personnel participating in the operations to reestablish internal order and stability” for all actions undertaken in response to protests.<sup>133</sup> After the killings, the Ñez government published and sought to carry out the decree, although it contravened Bolivia’s domestic and international legal obligations related to the use of force, freedom of assembly, and command responsibility. Both Bolivians and the international community condemned the illegal decree. International legal experts, including former special rapporteurs from the United Nations and members of the Inter-American Commission on Human Rights, published a letter declaring that Decree 4078 and the immunity it proffered to state forces violated international standards.<sup>134</sup> Subsequently, the interim government repealed the illegal decree.<sup>135</sup>

Following widespread pressure from civil society groups, the government offered to compensate victims 50,000 bolivianos (roughly US\$ 7,250) for personal injury or the death of a family member at Sacaba.<sup>136</sup> Many victims fear that the payment is intended to indemnify the victims so that they cannot bring criminal processes for the shootings.<sup>137</sup> For many victims, that amount of compensation is merely a symbolic response to substantial human rights violations and deep suffering, and is seen as insufficient in economic terms and lacking entirely in accountability. For example, Angelica Calle, whose brother Omar was killed on November 15, said that the compensation “does nothing for us. It doesn’t bring him back. It doesn’t hold the people who did it accountable.”<sup>138</sup> Gregoria, Omar’s mother, simi-

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larly stated, “I ask for justice. My 25-year-old son died there. President Áñez instructed the military to kill us as if we were animals. I ask for help. I want justice. My son doesn’t cost 50,000 bolivianos; he doesn’t have a price. He was young with the chance to study.”<sup>139</sup> The wounded also expressed frustration with the compensation and stated that the sum does not cover medical costs of most of the victims.<sup>140</sup> Abel Colque, who was shot in the foot, stated that the government offer did not assuage his suffering: “I cannot walk or work. People are now widows. We just want justice. There is no justice for humble people like us. They discriminate against us. They humiliate us.”<sup>141</sup>

## Senkata

On November 19, 2019, only four days after the killings in Sacaba, Bolivian state forces again shot teargas, rubber bullets, and live ammunition at indigenous protestors and bystanders near the Senkata gas plant in El Alto. At least 11 civilians were killed by live bullets and 72 civilians injured.<sup>142</sup> Once again, all casualties were indigenous.<sup>143</sup> No soldier or police officer was shot.<sup>144</sup>

### A Burgeoning Climate of Fear

In November, throughout El Alto, communities organized protests and blockades in response to the growing wave of persecution against the country’s indigenous population, including the recent killings in Sacaba. Much like the protestors in Sacaba, demonstrators in the Senkata zone, where the gas plant is located, insist that they organized protests and vigils for indigenous rights, not to support any particular political candidate. People like Iveth Saravia told the IHRC team that she was upset to be dismissed as an Evo supporter simply because she was indigenous.<sup>145</sup> Her participation in the El Alto protests was not political, she explained, but rather to speak out against attacks on indigenous people. “They treat us like dogs. We originally protested to demand respect for the *wiphala* and *cholitas*.

After the killings, this grew to calling for a trial of responsibilities for the Sacaba killers and Áñez’s resignation,”<sup>146</sup> she asserted. Likewise, another resident stated, “We were there in vigil protesting what happened to the people in Sacaba and the things the president [Áñez] had done,” not to support any political party.<sup>147</sup>

The Senkata plant has been a key site of protest for years, including during the MAS government, as it is strategically located in El Alto. During the 2003 Gas War, similar peaceful demonstrations occurred around the plant, with thousands of El Alto residents protesting violence by then-President Sánchez de Lozada. After soldiers killed the protestors, the government alleged that the demonstrators intended to blow up the plant.<sup>148</sup> A woman activist from El Alto explained the significance of protesting in front of Senkata’s gas plant: “This is a very calm city. I have lived here for five years. During all this time it has been very clear for people, they use the plant only as a means of negotiation with the government.”<sup>149</sup> Accordingly, many of the demonstrators in November erected vigils in Senkata as a negotiating tool and to draw attention to violations.<sup>150</sup>

Echoing the accounts of protestors and residents in Sacaba, community members in Senkata repeatedly told the IHRC that the blockades there were nonviolent.<sup>151</sup> One young bystander told the IHRC team that, “No locals had guns... It makes me so sad and upset that they say the people were armed and are terrorists. It is 100% false.”<sup>152</sup> Statements made to the Inter-American Commission on Human Rights (“IACHR”) mirror what the IHRC heard: residents from Senkata were at the plant to demonstrate nonviolently and were the target of state repression using firearms.<sup>153</sup>

### The November 19 Attacks

On November 19, the government quashed the vigil outside the Senkata plant with lethal force. The previous night, the government had deployed a caravan of tanks and other military vehicles filled





“Our struggle is without bullets,” reads a mural outside of San Francisco de Asís Parish, where the wake of the Senkata victims was held. In March, police gassed this location during a meeting of community members. ©2020 Thomas Becker

with soldiers, who positioned themselves inside the Senkata plant.<sup>154</sup> On November 19, between 9:00 a.m. and 11:00 a.m., security forces suddenly and indiscriminately fired tear gas at the demonstration outside the plant.<sup>155</sup> According to eyewitnesses, soldiers aimed the gas at hundreds of demonstrators gathered in the streets and also into nearby houses where children were present.<sup>156</sup> Individuals inside their homes, who were not taking part in the demonstrations outside, were surprised and unprotected, so they broke the windows of their homes and poured out into the streets to escape the gas that suffocated them.<sup>157</sup> One passerby described seeing “grandmothers and children running from their houses... It was horrible.”<sup>158</sup>

The frightened demonstrators, including mothers and children, attempted to flee the shooting soldiers.<sup>159</sup> Eyewitnesses recalled dozens of people collapsing in the streets, suffocating from gas.<sup>160</sup> One neighbor left her home with a first aid kit to

help the injured people in the street. She cried as she told the IHRC, “I’ve never seen anything like this. There was so much gas. Everyone was suffocating.”<sup>161</sup>

Witnesses stated that after soldiers initially fired tear gas at protestors and bystanders in the late morning, soldiers inside the plant began shooting live rounds at demonstrators, including those fleeing for safety and those trying to help friends, neighbors, and strangers lying on the ground, choking from tear gas.<sup>162</sup> Residents living near the Senkata plant told the IHRC team that soldiers spread out and barged into homes in order to use the vantage point of the roofs to shoot at civilians.<sup>163</sup> People ran “like crazy” in fright.<sup>164</sup> According to local residents, at least one military helicopter flew above the area, shooting tear gas and rubber and live bullets at the civilians below.<sup>165</sup>

Several eyewitnesses maintain that state forces tar-

ged civilians who did not participate in the blockade, including many who were passing through the zone on the way to their homes or workplaces.<sup>166</sup> For instance, baker Lucio Huanca was returning to the shop where he worked when he saw the military and fled to a side street behind the gas plant. Soldiers spread into the neighborhood shooting bullets at people, hitting Lucio in his head and causing memory loss and partial paralysis.<sup>167</sup> Soldiers also shot and killed university student Milton Zenteno as he returned from school<sup>168</sup> and 22-year-old Joel Colque as he walked home from work.<sup>169</sup> Joel's family asked the IHRC team why the government would kill a "kind" Christian boy who "played saxophone and keyboard in the church band" and was not political.<sup>170</sup>

Multiple interviewees told the IHRC that state forces targeted people who were helping civilians who had been shot. For example, Yosimar Choque was walking to the bank when he arrived at a side street a few blocks from the Senkata plant and saw soldiers shooting at fleeing people. Yosimar rushed to help the injured, assisting two people hit by bullets and three women who had collapsed from exposure to gas. Yosimar remembers crying, and pushing someone to safety, when a soldier shot him in his arm.<sup>171</sup> Soldiers also shot and killed Juan Jose Tenorio Mamani as he reportedly helped several injured people, leaving his 21-year-old wife to raise their baby alone.<sup>172</sup> State forces similarly killed Antonio Ronald Quispe Ticona, who was shot as he covered two local residents from bullets sprayed from the helicopter above.<sup>173</sup> The two survivors told his sister Gloria of his heroism. Though she is proud that he saved the lives of innocent people, she nonetheless struggles with the effect his death has had on their family: "My mother is suffering most, her heart is broken... She spends all her time in his room looking at his clothes, waiting for Antonio to come home from work. She is suffering."<sup>174</sup>

Witnesses said that soldiers wearing gas masks and ski masks were the ones who carried out the

shootings on November 19.<sup>175</sup> People also described these soldiers as looking "different... than those of us from El Alto," believing them to be from other regions of the country.<sup>176</sup> Residents stated that the lighter skin color and taller height of the soldiers was different than the indigenous population that overwhelmingly populates El Alto. They also asserted that the shooters were officials, not co - scripts, based on their clothing.<sup>177</sup>

In addition to firing gas and live rounds at civilians, state forces arrested individuals involved in the demonstration and took them to the plant, where they were detained. One demonstrator described trying to seek shelter below an underpass when the gassing started. State forces surrounded him and dragged him into the plant with six or seven others.<sup>178</sup> The demonstrator saw both police and military inside the plant.<sup>179</sup> One of the detainees with him stated that he saw soldiers bring injured civilians into the plant, including one covered in his own blood.<sup>180</sup> He believed that man was dead, but he was not certain.<sup>181</sup>

Protestors and bystanders outside the plant also reported seeing soldiers drag at least one wounded or dead person into the plant in the afternoon, after the initial teargassing from around 9:00 a.m. to 11:00 a.m.<sup>182</sup> Witnesses stated that people were worried that soldiers would disappear the bodies of the



Protestors in front of Senkata plant shortly before soldiers began shooting at them on November 19, 2019. One marcher is holding a sign that reads, "Áñez murderer." ©2019 La Izquierda Diario



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detained and the dead, so they knocked down the wall of the plant, which provoked more shooting.<sup>183</sup> Later that night, police officers brought some of the individuals who had been detained in the plant to a local police station.<sup>184</sup>

## Harassment at Hospitals

During and after the shootings in Senkata, civilians sought treatment at various hospitals in El Alto, including Holandés Hospital, Corazón de Jesús Hospital, and Japonés Hospital, among others. Some patients reported to the IHRC that they received good treatment.<sup>185</sup> Others, however, said that some hospitals and medical centers either turned away victims<sup>186</sup> or delayed treatment until family members paid for services up front, which exacerbated injuries and may have resulted in at least one victim's death.<sup>187</sup> Additionally, several witnesses stated that hospital workers, including doctors and nurses, blamed victims for their injuries. Eulogio Vásquez, for instance, said that nurses stated, "Why did they want to blow up the plant? That's why they got shot."<sup>188</sup>

Several witnesses also reported that police and other officials intimidated victims at the hospitals in the aftermath of the attacks. For example, Yosimar Choque, a bystander who was shot in Senkata, recalled how doctors warned him while he was being treated that police were coming to the hospital and taking injured people straight to jail.<sup>189</sup> Yosimar observed plainclothes officers arrive and take away an injured person who he recognized as a community member. "People haven't seen him since," he stated.<sup>190</sup> The father of Lucio Huanca, another injured bystander, stated that people from the Public Prosecutor's Office showed up to Corazón de Jesús Hospital, where his son was receiving treatment on November 19, threatening to prosecute people for vandalism.<sup>191</sup> A hospital worker who spoke with the IHRC corroborated these accounts, telling the IHRC team that officers arrived at the hospital the day of the Senkata shootings, calling the injured

disparaging names and taking some away.<sup>192</sup> This worker expressed particular concern about a victim who had been beaten up. The police said the patient was from Cuba and apprehended him, but the hospital worker confirmed that the person was in fact from the lowland Bolivian department of Beni. This same hospital employee also stated that civilians tried to enter the hospital to "take photos of the injured to identify them and get the police to criminally prosecute them," raising concerns about the relationship between police and civilian actors.<sup>193</sup>

Because officials were harassing and arresting people at hospitals, many of the injured did not seek medical attention at those facilities. Some went to smaller clinics where one human rights defender said she witnessed doctors and nurses desperately trying to save lives, carrying out emergency surgeries in difficult conditions with a shortage of medical equipment.<sup>194</sup> Others simply went home to recover. As one father who lost his son stated, "Many injured people went to their house to recuperate because [they were] scared they would be taken from the hospital."<sup>195</sup> Unfortunately, this has resulted in people not receiving necessary medical attention and an underreporting of injuries inflicted on that day.

Due to deep mistrust of the government, family members were also reluctant to let state officials take the bodies of the deceased, particularly after allegations that soldiers were disappearing bodies at the Senkata plant. Instead, most families brought the deceased to a local church, Francisco de Asís Chapel. There, the "church became an improvised morgue, with the dead bodies—some still dripping blood—lined up in pews and doctors performing autopsies."<sup>196</sup> Hundreds gathered outside to console families and contribute money for coffins and other funeral expenses. Agents from the IDIF went to the chapel to participate in the autopsies on November 20, while the FELCC visited hospitals to conduct autopsies on the remaining Senkata victims.<sup>197</sup> The autopsies found that all victims died from bullet wounds.<sup>198</sup>



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## Government Denies Responsibility

*“We aren’t animals. We don’t have weapons, I told the soldiers. They didn’t care, though. They responded, ‘They did it to themselves.’”*<sup>199</sup>

– Iveth Saravia, director of children’s foundation

The interim government has asserted that civilians, not state forces, are responsible for the violence at Senkata. The Ministry of Defense issued a public statement on November 19th alleging that people from Senkata attacked the soldiers,<sup>200</sup> while the Minister of Defense asserted that the military did not shoot a single bullet on that day, despite video footage that shows soldiers shooting in Senkata.<sup>201</sup> The Minister has further contended that demonstrators were paid by the MAS party, referring to them as delinquents, vandals, and terrorists: “They’re receiving orders, money, alcohol, and coca to cause vandalism, terror, and panic.”<sup>202</sup>

Civilians in Senkata have rejected the government assertion that civilians in Senkata were armed. Demonstrators and other eyewitnesses affirmed to the IHRC team that the protestors did not have guns, consistent with their commitment to hold a peaceful demonstration.<sup>203</sup> In fact, none of the dozens of witnesses interviewed by the IHRC in Senkata saw a civilian with a firearm on November 19. Individuals present at the blockade witnessed protestors using nearby materials, apparently for protection after the soldiers attacked them. For example, some protestors threw rocks and burned tires, while others yelled anti-government chants.<sup>204</sup> At least one person used a makeshift Molotov cocktail; a young man constructed one from miniature Coca-Cola bottles he found while sheltering behind a concession stand.<sup>205</sup> According to a Senkata resident eyewitness, this young man was trying to protect himself against the soldiers who were shooting at him.<sup>206</sup>

In addition to claiming that protestors shot civilians

in Senkata, the interim government has stated that demonstrators attempted to blow up the Senkata plant with dynamite. No witness interviewed by the IHRC saw any civilian with dynamite that day, and representatives from the prosecutors office in charge of the Senkata killings said they had found no dynamite in their investigation, though they did find other damage caused by protestors, such as vandalized cars, buses, railroad tracks, and cameras around the plant.<sup>207</sup> Local residents of the Senkata neighborhood interviewed by the IHRC emphatically rejected the government claim that residents tried to blow up the plant, because doing so would have destroyed their homes and killed their own families: “It is absurd that we would risk our own lives and our families’ like that. If one of the gas tanks exploded it would have destroyed all of El Alto.”<sup>208</sup>

Government officials point to the fact that people destroyed several sections of the wall surrounding the plant as evidence of protestors’ intention to blow up the plant.<sup>209</sup> Although the IHRC observed several areas of the perimeter wall that had been razed, interviewees explained that local residents pushed down parts of the wall to recover bodies that were being held by the military forces inside the plant, out of fear that the bodies would be disappeared. Videos of the protest also show locals pushing down the wall, not blowing it up as the government has claimed.<sup>210</sup> The state denies taking bodies into the plant, and officials in the prosecutors office told the IHRC that they found no trace of civilians behind the plant walls.<sup>211</sup> However, several witnesses interviewed by the IHRC dispute this account and insist that they saw soldiers drag bodies behind the Senkata walls.<sup>212</sup> Moreover, the IHRC interviewed one person who was taken by security forces into the plant on November 19 and held there for roughly eight hours before he was transported to a police station. This individual stated that the military had brought other injured civilians – and potentially one deceased person – into the Senkata plant that day.<sup>213</sup>

# Senkata Deaths

Despite the government's assertion that not a single military bullet was shot in Senkata on November 19, 2019, the two photos below indicate that heavy gunshot fire came from the direction of the Senkata plant where the soldiers were principally positioned. Civilians were primarily located on the other side of the median, which did not contain bullet holes. Dozens of witnesses interviewed by the IHRC confirm that soldiers shot from the plant, and they assert that no civilians had guns that day. In total, 11 civilians died due to gunshot wounds on November 19. Those killed were:

1. Joel Colque Paty, 22 years old
2. Rudy Cristian Vásquez Condori, 23 years old
3. Juan José Tenorio Mamani, 23 years old
4. Clemente Eloy Mamani Santander, 23 years old
5. Antonio Ronald Quispe Ticona, 24 years old
6. Milton David Zenteno Gironda, 24 years old
7. Calixto Huanaco Aguilar, 32 years old
8. Devi Posto Cusi, 34 years old
9. Pedro Quisberth Mamani, 37 years old
10. Edwin Jamachi Paniagua, 38 years old
11. Emilio Fernandez, age unknown



Both sides of the same section of the median outside the Senkata plant. In the top photo, the circles indicate bullet holes facing the plant where the soldiers were principally located. In the bottom photo, the side of the median with no bullet holes faces where civilians were principally located. ©2020 Thomas Becker





Caskets on the street in La Paz shortly after the military attacked a funeral procession for the victims of Senkata. ©2019 La Izquierda Diario

## Continued Repression

*“They have found the best way to silence us. [The president] is sending out the military in the streets to intimidate people so they don’t speak out. This is generating a climate of fear and hostility.”<sup>214</sup>*

– Paola Febrero, community organizer

The victims of Senkata maintain that they continue to endure repression by the Áñez government. Two days after the killings in Senkata, families organized a funeral procession from El Alto to La Paz to demand justice.<sup>215</sup> State forces attacked the procession and gassed families, forcing them to drop the caskets of their loved ones in the street as they ran.<sup>216</sup> More recently, in March 2020, police attacked the headquarters of the Senkata victims, located at the back of the San Francisco de Asís Parish, where families previously held a wake for

the deceased. State forces gassed those present, including children in the elementary school next door.<sup>217</sup> One young woman whose brother was killed on November 19 was there at the time and said, “it was like reliving that day.”<sup>218</sup> Rather than condemn the attacks in March, President Áñez made the following statement: “We have real enemies and I believe, absolutely, that they must be identified, persecuted and fenced, and, above all, they must be defeated.”<sup>219</sup>



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## VI. Obstacles to Impartial Investigations & Justice



Women in Sacaba sitting above a mural stating, “Death is always for the people. Justice is only for those with money.” ©2020 Thomas Becker

Numerous obstacles stand in the way of an impartial and comprehensive investigation of the violence that took place in Sacaba and Senkata. Since the November killings, the IHRC team has documented instances of evidence tampering; autopsy irregularities; overworked and under resourced prosecutors; failure of security forces to comply with lawful requests for information; and witness intimidation. These impediments are significant and facilitate

impunity for the perpetrators of the killings.

### **Destroying, Manipulating, and Losing Evidence**

The IHRC team has documented various forms of evidence tampering that may severely undermine the government’s ability to conduct accurate investigations in Sacaba and Senkata. According

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to two eyewitnesses who observed but did not participate in the protests in Sacaba, state officials systematically cleansed the area immediately after the killings, destroying pertinent evidence. One witness saw tanks with a water cannon rinse blood off the streets.<sup>220</sup> Another witness corroborated this account, stating, “The military tanks came and sprayed water to remove the blood... They washed the blood with hoses. They tried to clean everything.”<sup>221</sup> Furthermore, he recalled, “I also saw soldiers looking for bullets on the ground and picking them up. The military collected things like bullets and cleaned the area... The police tried to clean the evidence.”<sup>222</sup> Such actions would mean that evidence that is essential to investigate the killings has been destroyed.

According to other witnesses, security forces have also planted weapons on protestors to claim that they were armed. One human rights defender based in Cochabamba said that this has been a common practice in the Chapare region for decades.<sup>223</sup> Several demonstrators in Sacaba told the IHRC that in the days leading up to the November protest, police stopped people in the Chapare and planted money and weapons in their bags to discredit them as violent or paid protestors and prevent them from marching into Cochabamba.<sup>224</sup> Another demonstrator stated that on the day of the Sacaba killings, he witnessed the police pick detainees at random and then force them to stand with weapons while the media took photographs.<sup>225</sup> He remembers “they had four or five people pose with the weapons.”<sup>226</sup> This same witness saw state forces destroy photographic evidence of state abuses, including officers who made a journalist erase photos he had taken of state forces beating a detainee.<sup>227</sup> This manipulation taints both investigations and public perception of the events.

The delayed nature of the government’s investigation into the November killings also means that important physical evidence has been lost. In Sacaba, police and investigators did not reconstruct the scene of the killings until two months after

the massacres.<sup>228</sup> As a result, important pieces of evidence were no longer present when the reconstruction took place. For example, members of the IHRC team observed several bullets scattered around the area and a large container with bullet holes in it on the day of the shootings that were no longer present during the reconstruction.

Additionally, the IHRC team uncovered significant irregularities with respect to the autopsies of those killed in both Sacaba and Senkata. For example, in Sacaba, Andres Flores, the Director of Autopsies at the Public Ministry, would not let the families into the examination,<sup>229</sup> despite a family’s right to witness the autopsy.<sup>230</sup> Similarly, in Senkata, medical staff attempted to exclude the family of a young man who had been shot from the autopsy.<sup>231</sup> The family member who was eventually able to observe the autopsy stated that the bullet taken from the deceased was exchanged for a smaller bullet. According to him, the deceased was “killed with a bigger bullet, but they were trying to say it was a smaller one... (His) head looked like a flower opened up. It was a big bullet but the autopsy didn’t say anything about it.”<sup>232</sup> The staff yelled at the family and pressured them into signing an unfamiliar document in order to receive their loved one’s death certificate.<sup>233</sup>

Other interviewees also stated that they were prevented from identifying the types of bullets used to kill their family members. In Senkata, a 21-year-old widow said that after her husband’s autopsy, “there was no identification done on bullets, type of gun, or how he was shot... They did not let me see the bullet. They took it away. I was only given a death certificate.”<sup>234</sup> A family member of another man killed in Senkata told a similar story: “They took the bullet from the head. They said it was a short distance, not [a] long distance bullet... [but] we weren’t allowed to take photos of the bullet. It was a copper-colored bullet.”<sup>235</sup> The alleged destruction and manipulation of evidence has caused many victims in Senkata and Sacaba to question whether they will receive a full





Bullet casing found in Sacaba. ©2019 Thomas Becker

and accurate investigation into the killings of their loved ones.<sup>236</sup>

## Impediments for Prosecutors

Prosecutors in Sacaba and Senkata face significant barriers to carrying out successful investigations. The two most glaring impediments they encounter are: (1) a lack of resources; and (2) the failure of state security forces to comply with prosecutor requests for information.

In the case of Senkata, the government has assigned only two prosecutors to investigate one of the largest mass shootings in Bolivia's recent history.<sup>237</sup> The prosecutors are part of the Specialized Division of Crimes Against Life (Fiscalía Especializada de Delitos contra la Vida). Despite the government telling them that they would be allowed to focus only on the Senkata cases, the two prosecutors are still responsible for investigating their other cases, creating an unmanageable workload.<sup>238</sup> The complexities of investigating the events in Senkata are further exacerbated by a lack of resources and institutional support. A source in the prosecutor's office stated, "We do not have assistants, and we do not have the support of the police... [Prosecutors] even had to put in some of [their] own resources to get the job done, like paying for the bus and taxi [to

travel for work]."<sup>239</sup>

In addition to lacking basic resources for their investigations, prosecutors in the Sacaba and Senkata inquiries have faced systematic non-cooperation from police officials. In El Alto, an anonymous government source stated that following the killings, prosecutors "did not have the support of the police to do [their] job because [the police] had left El Alto days earlier, so it was much more difficult"<sup>240</sup> The police's failure to cooperate is reportedly due to a lack of institutional will or interest, the mutiny of the state forces in the preceding days, and the absence of police in El Alto after clashes with civilians in some neighborhoods. Another government source emphasized the key role of the police in the Senkata investigation, saying that "the [police] investigators are an important arm of the prosecution; without them [prosecutors] are blind and deaf. It is like we are fighting with our own police."<sup>241</sup> The prosecutors in the Sacaba inquiry also faced an unresponsive police force. On December 11, almost a month after the killings, the prosecutors still had not received the criminal reports from law enforcement pertaining to the Sacaba massacre.<sup>242</sup>

The military has proven equally recalcitrant. A source in the Sacaba investigation stated bluntly, "The armed forces have not responded to us about anything... They have to respond in 72 hours but they have not. This is illegal."<sup>243</sup> The prosecutors in Senkata have been similarly unable to obtain information from the military, which has ignored the prosecutors' lawful requests for information. An unnamed source in the Senkata investigation characterized the attitude of the military as follows: "When we requested information from them, the military basically said 'who are you to ask us for things?' Orellana, the chief commander of the armed forces was the one who replied to our request."<sup>244</sup> Another government source confirmed that the military failed to divulge the operation plan for the day of the Senkata killings, citing military secrecy.<sup>245</sup> The prosecutors then unsuccessfully sought to compel the military to turn over infor-



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mation via judicial order. One representative in the prosecutor's office stated, "The judge gave the military 24 hours to respond to our request and present the operative plan for the day of Senkata. The judge sent the order, but despite the order the military has not complied with the request. It has been two weeks now; we are still waiting for them to reply."<sup>246</sup>

Like the prosecutors, the Cochabamba Ombudsman, Nelson Cox, sent a formal request to the police and military for information about the security forces' operation in Sacaba, seeking to identify the commanding officers, the particular units deployed, and the specific weapons carried by those units.<sup>247</sup> However, neither the police nor the military provided any information to the Ombudsman.<sup>248</sup>

The IHRC similarly sent letters to the Ministry of the Interior and Ministry of Defense requesting information about the operations in Sacaba and Senkata, but the government had not responded prior to the publication of this report. The unwillingness of the interim government to communicate to prosecutors and human rights defenders about the killings in Sacaba and Senkata creates significant barriers to uncovering the truth of what took place in November.

## Witnesses Intimidation

Government intimidation has made numerous witnesses afraid to testify, further compromising efforts to conduct thorough and impartial investigations. The IHRC team interviewed dozens of witnesses who feared speaking about both the Senkata and Sacaba massacres. Many of the interviews conducted by the IHRC were carried out in secret locations, and with guarantees of confidentiality, because witnesses and victims feared reprisal by the government.

**Sacaba: "I am scared to speak. We are all scared to speak out."**<sup>249</sup>

In Sacaba, witnesses said they have been cowed into silence out of fear of government retribution. One interviewee stated, "We are all scared to speak out against the government or talk about what happened in Sacaba. If we do, the military or police will come after us. The government is prosecuting anyone who talks about what is happening."<sup>250</sup> Witnesses' fears of sharing what they saw has made identification of those responsible for the killings in Sacaba much more difficult, and has therefore undermined the work of prosecutors.<sup>251</sup>

The IHRC heard multiple accounts about government actors intimidating people in Sacaba. Security forces seem to have adopted a regular practice of looking through local residents' phones to identify witnesses, or to tamper with or destroy photo or video evidence. One witness stated that security forces "went through everything on our phones. They asked me for my passcode. They looked at my photos, WhatsApp, Facebook."<sup>252</sup> Another witness who was present at the Sacaba march told the IHRC, "I erased the footage I had on my phone because [state forces] were taking people's photos from their cameras of marches, so I was scared police would go after my friends, torture them or arrest them for terrorism."<sup>253</sup>

Members of the IHRC team encountered this type of harassment firsthand. When the team was observing the reconstruction of the crime scene in Sacaba in January 2020, the head of the Special Force to Combat Crime (FELCC) in Cochabamba accused a member of the IHRC team of taking illicit footage. The head of the FELCC then told the IHRC attorney that he must allow the official to go through his phone, or else the official would confiscate the phone or arrest the team member. The official then looked at the IHRC attorney's photos.<sup>254</sup>

Other forms of intimidation took place during the crime scene reconstruction. Dozens of police with bullet proof vests, riot gear, and lethal weapons were present that day. Multiple victims who came



Mother at San Francisco de Asis Parish. The parish was turned into a makeshift morgue following the Senkata killings. ©2019 Thomas Becker

to provide testimony that day expressed that they were frightened to tell their stories because of the presence of hostile, heavily-armed police, many of whom were the same officers involved in the crackdown on November 15. The Director of Andean Information Network, which works on human rights issues in Bolivia, noted, “The aggressive, abrasive attitude of the police officers and their treatment of human rights observers was problematic considering those same forces played a key role in the massacre just months before, creating a difficult situation for families and witnesses who could

be concerned about future repercussions.”<sup>255</sup> The IHRC team observed officers yell at witnesses and threaten two of the victims for using their phones. Officers also blocked members of the IHRC from monitoring the reconstruction even though the Clinic and Andean Information Network had received advanced permission from the Cochabamba District Attorney’s Office to observe it. Eventually, after a call to the prosecutor’s office, one member of the IHRC team was able to observe.

Police and soldiers are not the only members of the

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government who have frightened witnesses from coming forward. The IHRC team discovered some deceptive practices by the prosecutor's office that have instilled fear in the victims and their family members. A human rights defender who has been assisting the victims in Sacaba said that despite the fact that the families were legally entitled to their medical records, he was told by a representative in the prosecutor's office that if the families wanted their records, they had to come into the office and give declarations not only about the killings in Sacaba but also about other crimes in the region, some of which the official insinuated the victims carried out.<sup>256</sup> A member from the IHRC team witnessed similar manipulation when he accompanied a family member of a decedent in Sacaba to obtain his records. The same representative at the prosecutor's office told the victim that he had to give his phone number if he wanted his documents because "that's the law." When the IHRC investigator explained that he was an attorney and inquired about the law, the representative responded, "Well, it's not against the law, but it would help us." Shortly after, he made disparaging statements about MAS officials and stated that many people in El Alto were "vandals."<sup>257</sup>

### **Senkata: "People are scared to testify."<sup>258</sup>**

The climate of fear and intimidation felt by victims and witnesses in Sacaba has also been pervasive in Senkata. One witness told investigators from the IHRC, "People are scared to testify because the government will register people and charge them. They have said we are criminals."<sup>259</sup> Dozens of other witnesses told the IHRC that they were frightened to speak about what took place out of fear of reprisal from the government.

There were widespread acts of intimidation committed on the day of the killings in Senkata, as well as after. According to an employee at an El Alto hospital who asked to be interviewed in an undisclosed location out of fear of government retaliation, plainclothes police officers entered hospitals

that night and intimidated victims and their family members by asserting that "everyone injured or with a bullet wound had to be prosecuted and called them terrorists."<sup>260</sup> Because patients were frightened of being arrested, many fled the hospitals before receiving treatment, and they have refused to share their accounts.

In addition to harassing people in the hospital that day, police also harassed people that they stopped on the street. "They (the police) intimidated us. They called us *indios* and *masistas*,"<sup>261</sup> a young man arrested in Senkata told us. Like the hospital worker, this interviewee was scared to meet with the IHRC team in a public place and asked to remain anonymous. The apparent presumption of guilt by law enforcement officials and continuing intimidation has prevented this witness and many like him from speaking out.

Government officials have also targeted children in the Senkata area. Throughout the week following the massacre, police officers visited a local high school and intimidated students. One student stated, "The police at the school are looking through photos on their phones and looking at students. They look up at the students and back down at their phone, swiping through pictures... I am scared they will come after us."<sup>262</sup>

Police intimidation of community members has made it difficult for prosecutors to do their jobs. One of the prosecutors charged with investigating the Senkata killings, Ivan Cernadas, stated that, "We tried to meet the victims on another day at the church. The moment we walked in we felt an environment of total hostility toward us."<sup>263</sup> The victims in Senkata have explicitly stated that they fear telling their stories because they believe that they will be punished.<sup>264</sup> This climate of fear deters potential witnesses from testifying and thus severely undermines investigations. Three months after the killings, for example, none of the victims or families of victims had joined the criminal process as complainants.<sup>265</sup>



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## VII. Persecution of Dissent

*“The climate is worse now than it was in the ’90s. Worse than during the war, Black February, Black October... back then there would be at least some due process, some rules... That framework is now gone. There is no due process, no justice.”*<sup>266</sup>

– Kathryn Ledebur, Director of Andean Information Network

According to witnesses, government repression since November 2019 has extended beyond killing protestors to quell criticism. The government has harassed, arbitrarily arrested, and tortured people that it perceives to be outspoken against the Áñez administration. Many Bolivians have found themselves facing charges or detention for vaguely defined crimes such as sedition, while others have been attacked in the streets by security forces and para-state actors. Certain visible groups are particularly susceptible to this persecution, including journalists, human rights defenders, and politicians. The result of this repression has been a pervasive climate of fear in many communities.

### Journalists

“Journalists are scared for their lives... This is the worst violence and repression I have seen throughout my career in Bolivia. This isn’t Bolivia.”<sup>267</sup>

– Anonymous foreign journalist with four decades of experience reporting on Bolivia

The IHRC spoke to dozens of people who said that both the government and para-state forces have targeted journalists. Press workers have endured threats, arrests, and physical attacks, and the government has shut down important media outlets, shaping public debate and eroding individuals’ freedom of expression. With the backdrop of politi-

cal unrest and pending elections in Bolivia, these violations serve as genuine impediments to restoring democratic order.

Several statements by government officials highlight the repressive tone that the government has taken towards members of the press. On November 14, the day before the Sacaba killings, then-Minister of Communications Roxana Lizárraga stated that the government had identified journalists causing sedition and that the Minister of the Interior would take actions against them.<sup>268</sup> She later went on to state, “Freedom of expression has its limits” and warned that the government would act in response to “seditious voices.”<sup>269</sup> Minister of Defense Fernando López, went further to link journalistic activities to terrorism: “Terrorism is attacking us on all fronts...[T]errorism is digital...and communicational.”<sup>270</sup>

These types of statements raise concerns that Bolivian officials have used classifications such as “sedition” and “terrorism” as pretexts to persecute those who criticize the interim government.<sup>271</sup> For example, on New Year’s Eve, police arrested Alejandra Salinas for sedition after she wrote an online article condemning the government.<sup>272</sup> That same night, police officers arrested Orestes Sotomayor for owning the domain of the website that published Salinas’ article. “I’m a designer – how am I a seditionist?” Sotomayor asked the IHRC from jail. “People have spoken out against my arrest...they cannot persecute us for being us.” Yet Sotomayor continues to face charges.<sup>273</sup>

Humberto Pacosillo, who is one of several reporters allegedly on the government’s list of “seditious” journalists in El Alto, has also endured persecution for being critical of the government. “Our crime has been to inform about things as they are and to contrast the version that the current government is



Mauricio Jara surrounded by police with the Special Force to Combat Crime. The interim government’s “cyber patrol” arrested Jara, dubbing him a “digital warrior” and charging him with sedition for spreading misinformation, including referring to the killings in Senkata a “massacre” and calling Interim President Áñez a “dictator” and “coup leader.” ©2020 Guider Arancibia Guillén

using,” he told the IHRC team.<sup>274</sup> He explained how being labeled seditious has affected him: “Now I have many death threats. I have faced discrimination. I have never lived a moment like this... They call you a *masista* and discredit you.”<sup>275</sup> Pacosillo continues to report because “to be silent is the same as lying,” but he fears for his safety.<sup>276</sup>

In addition to pursuing individual journalists, the government has targeted stations that it perceives to be opposed to the government. After Áñez took power, the government shut down at least 53 community radio stations.<sup>277</sup> Community radio stations, which generally broadcast in indigenous languages like Quechua and Aymara and are the primary source of news for many indigenous and *campesino* communities, have been conflated with support for the MAS party and, by extension, Evo Morales.<sup>278</sup> The IHRC spoke to several journalists at Radio Comunitarias who emphasized the indigenous character of community radio and rejected the notion that their outlets had any political affiliation or sponsorship.<sup>279</sup> Rather, they identified their work as a “social service” to reach communities that

do not have access to urban media.<sup>280</sup> They also highlighted the ways in which community stations have been persecuted by the government, including enduring fines and taxes that never previously existed, having their signal shut off and on,<sup>281</sup> and experiencing raids in which security forces confiscate their equipment.<sup>282</sup>

In addition to targeting community and indigenous outlets, the interim government has pressured commercial television and radio stations that have been critical of the Áñez administration. One press chief from a large commercial station in Bolivia who asked to remain anonymous stated that he fears that his station will be shut down for “having a different opinion and for criticizing our government.”<sup>283</sup> He also explained that journalists from his channel, as well as from other stations, have been prohibited from covering events by the police because they are perceived as being critical of the interim government. Some of those journalists have been able to circumvent the government’s control of coverage by using press credentials from “sympathetic” stations, where they previously worked, to enter blocked events and areas.<sup>284</sup> The press chief recognized that journalists always receive pressure, but “[t]his level of persecution did not happen in the ex-government. [Various stations] have spoken against the government repeatedly, but [previous governments] didn’t threaten to shut them down like they are doing to channels that criticize the current government... This government is going after critical voices.”<sup>285</sup> A colleague echoed his sentiment: “I lived through two past dictatorships. This is even worse. I am scared. They came to the network and vandalized it. We had to remove the sign outside.”<sup>286</sup>

Several interviewees noted that government persecution has caused some of the larger media outlets to water down their coverage, misreport, or simply not cover certain issues.<sup>287</sup> One journalist told us that she self-censors out of fear,<sup>288</sup> while others have expressed that they were punished for reporting information that the government did not

# María Galindo

“After many years of pressure, including during Evo’s government, this was the first time they fi ed me.”

– María Galindo, Co-founder of *Mujeres Creando*

Artist, writer, psychologist, feminist and activist María Galindo is no stranger to controversy. Her opinion column, published weekly for over a decade in the newspaper *Página SIETE*, was heavily critical of Evo Morales. She called him a *macho* and a *caudillo*, claimed he committed ecocide, and criticized many of his policies that she viewed as anti-democratic. After Morales left Bolivia for Mexico, Galindo maintained her critique of Morales, asserting that his government had set the stage for the transition government’s repression. Although Galindo and the newspaper endured pressure by the government during the Morales presidency, *Página SIETE* permitted her to write her weekly column freely.

On January 30, 2020, *Página SIETE* fired Galindo. The pressure to do so began building shortly after Añez’s appointment as president, when Galindo published an opinion piece describing Añez as a racist and an opportunist.<sup>289</sup> Galindo followed up with a series of critical articles culminating in a January 30 article “Sedition in the Catholic University,”<sup>290</sup> in which Galindo asserted that Añez had been undemocratically handpicked by a group of influential, unelected Bolivians and foreign nationals at a meeting in the Catholic University.

*Página SIETE* originally pulled the piece but eventually published it accompanied by an editorial note dismissing its contents for lack



Writer and activist Maria Galindo gives lectures at universities around the world on issues such as feminism, indigenous rights, and social movements. ©2020 Mujeres Creando

of factual basis and informing Galindo and her readers that the article would be her last. Galindo believes that her firing is indicative of the broader lack of freedom of expression in Bolivia. For Galindo, the end of her weekly piece also reflects the shrinking of perspectives in the public discourse and an attempt to quiet a self-described critical voice meant to pluralize the viewpoints in dialogue.

Since her firing, Galindo says she has been followed by government agents. Foreign diplomats have contacted her to ask if she needs anything. Galindo believes that the reason that she has not been detained is because both the government and the newspaper know that her article about the selection of Añez was true.

Despite the threats, Galindo remains defiant and promises to keep working for freedom of expression in Bolivia: “I will defend my piece because it’s a very grave situation for the country and for freedom of expression in Bolivia, but I am afraid.”<sup>291</sup>



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like. Journalist María Galindo was fired from *Página Siete*, where she worked for ten years, for “defaming the president” in an article she wrote questioning the legality of the Áñez presidency. She believes that the government pressured the newspaper to fire her, and though she asserts that the Evo Morales government “facilitated repression,” she “never had this type of problem before.”<sup>292</sup>

While some journalists have self-censored or been fired, others have stopped writing entirely. One interviewee told the IHRC, “Many have stopped publishing because of fear.”<sup>293</sup> Even award-winning cartoonist at *La Razón* Alejandro Salazar ceased publishing cartoons until there is a “more tolerant and less aggressive environment.”<sup>294</sup>

The widespread persecution of journalists has resulted in coverage that many Bolivians no longer trust. A radio journalist told the IHRC, “Big national media outlets have been told what to say. The context and the reality on the street are different from what is being said.”<sup>295</sup> Her colleague added that because of inaccurate reporting, many Bolivians “trust the foreign media more than the local.”<sup>296</sup> Unfortunately, he added, “the government has now rendered the foreign press ‘seditious,’” which has again stifled accurate reporting.<sup>297</sup>

Foreign journalists have endured various forms of persecution by state actors. First, the interim government has ceased the broadcast of international news channels like RT Spanish<sup>298</sup> and TeleSUR.<sup>299</sup> Second, police have attacked foreign journalists, such as Al Jazeera reporter Teresa Bo, who was tear gassed directly in the face by police while reporting live.<sup>300</sup> Another foreign journalist who has covered Bolivia for decades for outlets such as the Guardian and Al Jazeera told the IHRC, “Journalists are scared for their lives... This is the worst violence and repression I have seen throughout my career in Bolivia. This isn’t Bolivia.”<sup>301</sup> The IACHR found that most foreign correspondents left the country out of concern for their safety after the Áñez government took over.<sup>302</sup>

The interim government has also persecuted journalists by disparaging foreign outlets that have been critical of the Áñez administration. For instance, following a critical Washington Post story, the Minister of Foreign Relations stated, “These are actors who are swarming at the international level, who have a first and last name, who are using different spaces of the international ultra-left to issue false opinions and lies that do not correspond to the truth. They indicate that there is a climate of instability in Bolivia adverse for the elections...”<sup>303</sup>

Several activists explained that while the interim government has persecuted critical journalists, it uses the press to advance its own message. For instance, the government threatened to fine and suspend licenses of stations that did not broadcast a speech by Áñez in which she criticized the MAS party.<sup>304</sup> Likewise, the government rebranded Bolivia TV’s logo with the *pitita*, the symbol of the anti-Evo Morales protest movement<sup>305</sup> and the name of Áñez’s dog.<sup>306</sup> On that station, the government has run ads stating that Morales is inciting confrontations and starving Bolivians.<sup>307</sup> Social media has also been used to advance the platform of the interim government. The IACHR received reports of 68,000 false Twitter accounts that tweeted hashtags supporting the interim government or criticizing Evo Morales.<sup>308</sup> The tweets from those false accounts were shared 1,048,575 times between November 9 and 17.<sup>309</sup>

As the persecution of journalists by the government has increased, so too have attacks by civilian groups aligned with the government. It is important to note, though, that pro-Evo civilians have also harassed and attacked journalists since the interim government took power, albeit at a lower rate.<sup>310</sup> According to the Inter-American Commission on Human Rights, at least 50 journalists from 20 media outlets were assaulted between October 20 and December 2. The perpetrators of the violence included police, military, and civilians.<sup>311</sup> The Federation of Press Workers’ Unions (FSTP) of Cochabamba has expressed concern about the

# Sebastián Moro

*Sebastián was a very special person, a romantic, who cared deeply about people and human rights. He had fallen in love with Bolivia and its people. He stayed there to tell the stories other people ignored...He is the journalist we need right now, but he is gone.*<sup>312</sup>

– Penélope Moro, sister of Sebastián Moro

On November 9, 2019 Sebastián Moro went for a walk after a phone call with his mother and sister, Penélope.<sup>313</sup> It had been a difficult few days, he told them. The previous day, anti-MAS protestors burned and destroyed Sebastián’s office, and the mob tied his boss, José Aramayo, to a tree, questioning his relationship with Evo Morales and threatening to lynch him.<sup>314</sup> Sebastián said he would call back later, explaining that he was going on a walk to get some air. It would be the last time his mother and sister would ever speak to him.

After not hearing from Sebastián, his family contacted a friend for help, who found Sebastián lying in bed the following day, half-dressed, unconscious, and with signs of blunt trauma.<sup>315</sup> His recorder and notebook were gone, and the last few messages sent to his boss from his phone had been deleted.<sup>316</sup> Sebastián was taken to the hospital semi-conscious after what seemed to have been a brutal beating. He fell into a coma and never woke up. After spending six days in the hospital, Sebastián died on November 16, 2019.<sup>317</sup> Penélope Moro has sought justice for her brother ever since.

Sebastián was an Argentinian journalist working in Bolivia as a correspondent for Argentinian paper *Página 12*.<sup>318</sup> He also served as chief editor of the Bolivian newspaper *Prensa Rural* and



Sebastián Moro was writing for Argentina newspaper *Página 12* when he was killed. ©2019 Penélope Moro

produced programming for Radio Comunidad, where he covered issues affecting indigenous communities.<sup>319</sup> Before his death, Sebastián published an article for *Página 12* titled “*A coup d’état is underway in Bolivia*,” where he described the situation in Bolivia: “...the government is shaking, democracy is cracking up, and there is widespread uncertainty.”<sup>320</sup> His family has stated that they believe Bolivian officials beat and tortured Sebastián because of his criticism of what he saw as increasing authoritarian behavior in the country. “My son denounced the coup d’état in Bolivia and died a few days later in a very suspect manner,” his mother stated.<sup>321</sup>

Bolivian authorities blamed his death on a cere-

brovascular accident.<sup>322</sup> However, the marks, bruises, abrasions, and scratches on his body strongly indicate otherwise. Doctors told Sebastián's family that the marks suggested he was tortured, and forensic experts in Argentina stated that a physical attack could have provoked an internal hemorrhage and Sebastián's subsequent death.<sup>323</sup> Bolivian authorities told the Moro family that they must cremate his remains to repatriate them back to Argentina, which has undermined the family's ability to seek an independent necropsy.<sup>324</sup>

Sebastián's family reported the case to federal courts in the Argentinian province of Córdoba, the U.N. Human Rights Council, and the Inter-American Commission on Human Rights, asking for justice and clarification of the events. According to Edison Lanza, Special Rapporteur for Freedom of Expression of the Inter-Ameri-

can Commission on Human Rights, Sebastián's alleged murder represents one of the fundamental violations to freedom of expression that occurred in Bolivia in 2019.<sup>325</sup> The Special Rapporteur also reiterated in regards to Sebastián's death that "the murder of journalists constitutes one the most extreme form of censorship and that states have a positive obligation to identify and punish the perpetrators of these crimes."<sup>326</sup> However, Sebastián's family fears that the lack of transparency and accountability for crimes committed during the electoral violence period impede any form of justice for Sebastián: "They killed him, but there are no guarantees for a clean investigation under this government for Sebastián. The government has done nothing. The same holds true for the other victims in Bolivia ... How can there be justice in this climate?" his sister Penélope lamented.<sup>327</sup>

dangers journalists face covering social protests and demonstrations in that region of the country.<sup>328</sup>

The IHRC spoke to several members of the press who have been attacked by civilians. Television journalist Daniel Bedoya has been called "terrorist" and "seditious" and attacked by *grupos de choque*, or para-state groups, on several occasions since the October election period.<sup>329</sup> He recalled one incident when anti-MAS protestors threatened to kill him, threw dynamite at him, and shot a firecracker, striking his cameraman when they were filming protesters who were yelling epithets like "fucking Indian" and "Indian *masista*." He described another incident when a pro-Áñez protestor recognized him: "I entered and someone recognized me from [my channel] and said 'I know you. You are a terrorist. I'm going to kill you. I know where you live,' he said. He came closer to hit me, but people from his group held him back."<sup>330</sup> Following that incident and others when his colleagues were attacked, reporters from his station removed their

station logo from their microphones and cameras to avoid further violence.<sup>331</sup>

Another journalist who spoke with the IHRC team, Andrea Tapia, recalled how pro-Áñez groups threatened her for publishing photos and videos online that showed excessive force by state agents. After posting the content, she received an anonymous phone call from a person who said that they had a list of journalists and where they lived, and "we know you have a kid and we know you are in [the location in which she was at the time]."<sup>332</sup> Within thirty minutes her page had been blocked, so she began sharing the footage on her personal page. Two days later, a person threw a Molotov cocktail at the house where she was staying. "They frightened me so much. I felt so impotent, like I couldn't do anything. My family told me to stop publishing and sharing things," she told the IHRC.<sup>333</sup> "I took down my profile," she added.<sup>334</sup> Andrea also expressed fear of reprisal by the government since she had been critical of military and



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police repression in November: “I cannot follow the case with the police because they will register me.”<sup>335</sup>

Civilian groups have also harassed and attacked international journalists. A journalist with Agence-France Press told the IHRC that he was surrounded by “anti-Evo” protestors who screamed at him, called him a *masista* and demeaning names, and began to raise shields and other objects to hit him until young women with the group stopped the attack.<sup>336</sup> Civilian groups kidnapped José Aramayo, director of Radio Cominidad, and tied him to a tree. The protestors mocked him for his alleged support of Morales as he pleaded to be released, crying, “Please. I have two children.”<sup>337</sup> The next day, a friend found his colleague Sebastián Moro, a correspondent for the Argentinian newspaper *Página 12*, unconscious in his home with injuries to different parts of his body after he published an article criticizing the “coup” behavior of the groups opposing Morales. Sebastián died days later, and no one has been held accountable for the killing.<sup>338</sup>

## Human Rights Defenders & Activists

In addition to persecuting journalists, the Bolivian government and para-state groups have targeted human rights defenders. Human rights activists have been publicly smeared, surveilled, threatened, arrested, and assaulted for investigating and publicizing abuses. These forms of persecution are cause for concern not only for the individuals who are targeted, but also because of the vital role that civil society plays in strengthening democracy, particularly in periods of transition.

Following the killings in Sacaba and Senkata, the Añez government has arrested human rights activists who have spoken out against the November violence and charged them with crimes, such as sedition and terrorism. For example, the government

arrested Carlos Cornejo, a reporter and witness to the violence in Senkata, who has been organizing fundraisers for the victims of Senkata. Carlos was meeting with artist Leonel Pajsi to discuss a mural for the victims when civilians and plainclothes police officers surrounded and detained them, accusing them of sedition and terrorism. The police searched their belongings, finding nothing other than fliers that said, “Flowers for the oligarch , and bullets for the people” and “We are the people,” which the officials deemed sufficient to arrest and charge them.<sup>339</sup> Leonel told the IHRC that he has made art for almost twenty years and no government has ever persecuted him like the current interim government. “This isn’t about political allegiance. It’s about people dying, but if you say something about that now, you get sent to jail. That isn’t freedom of expression. I’m an artist, but now they say art is sedition. That is absolutely frightening,” he explained.<sup>340</sup> He and Carlos are concerned about the potential 30-year prison sentence they face if convicted on terrorism charges.

Human rights advocates at the Ombudsperson’s office have also experienced harassment. Members of the interim government have publicly disparaged the Ombudswoman and other attorneys in her office, accusing them of being “pro-Evo.”<sup>341</sup> Groups associated with the interim government have also threatened to commit violence acts against members of the Ombudsperson’s office. Civilian groups have surrounded the offices and homes of the National Ombudswoman, Nadia Cruz, and the Ombudsman of Cochabamba, Nelson Cox, threatening to kill them and their family members.<sup>342</sup> The IHRC team witnessed this harassment firsthand on several occasions outside the National and Cochabamba Ombudsperson’s offices, where groups chanted things like “faggot *masista*,” “seditious foreigner,” and “terrorist” at the ombudspersons and members of the IHRC team.

In Cochabamba, civilian groups have been particularly violent towards defenders at the Ombudsperson’s office. Several pro-Añez individuals – who

have received the protection of the local police – have attacked employees at the Ombudsperson’s office and attempted to attack a member of the IHRC team as he left an interview with Nelson Cox.<sup>343</sup> A few days after the Clinic interview with Cox, police arrested a member of the *Resistencia Juvenil Cochala*, an anti-MAS group, for trying to enter the Ombudsperson’s office with a loaded gun. The judge presiding over her hearing refused testimony from the Ombudsman, who was the alleged target of her crime, and released the suspect that same day.<sup>344</sup>

Other officials have also turned a blind eye to the harassment of employees at the Ombudsman’s Office. When Cox told then-Departmental Police Chief for Cochabamba Jaime Zurita about the threats he had been enduring, the commander taunted him, saying, “I have better tools to use against you” and “now you will find out what we are going to do.”<sup>345</sup> Zurita threatened the Ombudsman on two additional occasions, and Cox believes that the presence of members of a police wives group stationed outside his office to protest shows Zurita’s intention to carry out the threats.<sup>346</sup> Because of this

widespread intimidation, the IAHCR granted Nadia Cruz and Nelson Cox precautionary measures.<sup>347</sup>

In addition to harassing Bolivian human rights activists, pro-Áñez groups have threatened international human rights defenders too. The Director of the Andean Information Network, Kathryn Ledebur said that during November she received roughly ten threats a week via social media, and she continues to endure doxing (posting pictures and contact information to amplify harassment) over WhatsApp groups and even in the newspaper.<sup>348</sup> “They are posting my photo saying I am a terrorist, a traitor, and that they know where I live. My daughter’s photo has also been posted online. I almost got evicted from my office because the owner was worried I would be a threat,” she stated.<sup>349</sup>

Civilian groups have also harassed members of the IHRC team. On seven separate occasions in December 2019 and January 2020, civilian groups surrounded the team, yelling things such as, “He is with human rights – he’s seditious,” “Where’s your friend Evo,” and “Foreigners out of the country.”



Mural sketch in Leonel Jurado Pajsi’s notebook that police confiscated for “seditious” activity. ©2019 Thomas Becker





Meme shared on social media doxing human rights defender Kathryn Ledebur. ©2020 Kathryn Ledebur

One person interviewed by the IHRC recognized a member of the team because pro-Áñez groups had doxed him on social media. Plainclothes and uniformed police in La Paz also filmed members of the IHRC when they conducted interviews at a hospital. In a different incident in La Paz, a police officer told one of the members of the IHRC team that human rights workers were “trouble makers.” The following week, an officer in Sacaba insisted on going through the phone of another IHRC researcher.

## Political Persecution

Like journalists and human rights defenders, politicians – particularly MAS party members and their family members and employees – have endured widespread persecution. The interim government has threatened and detained individuals directly or indirectly affiliated with the MAS, while para-state

groups have harassed members of that party. In the process, the Áñez administration has undermined Bolivians’ rights to association, expression, and political participation and created a climate of fear for those who are associated with or support the MAS party.

## Arrests

One of the most common forms of political persecution carried out by the Áñez government has been to arrest and charge — often with sedition and terrorism — MAS politicians. By the beginning of 2020, more than 100 MAS politicians had been detained or were facing charges<sup>350</sup> and nearly 600 former officials and their families were under investigation.<sup>351</sup> In March, the New Yorker reported that the United Nations found at least 160 officials had been prosecuted or detained in the post-election period.<sup>352</sup>

These arrests fit into what appears to be a calculated campaign by the interim government to target political adversaries. Before his swearing-in as Minister of the Interior, Arturo Murillo threatened to “hunt” those guilty of sedition and send them to jail.<sup>353</sup> Once he became Minister, he announced a special task force in the Attorney General’s Office designed specifically to detain officials affiliated with MAS.<sup>354</sup> “There are senators, congressmen and women... whose names I am going to start publishing, that are being subversive,” Murillo stated.<sup>355</sup> “Starting Monday, I will give the order, I already have lists that the leaders of various zones... to start detaining them with prosecution orders,” he continued.<sup>356</sup>

Several international institutions have made statements regarding the pervasive arrests of opposition politicians by the Áñez government. In February, U.N. High Commissioner for Human Rights Michelle Bachelet expressed alarm about the persecution of dozens of former government officials and others affiliated with the MAS party.<sup>357</sup> At the same time, U.N. Special Rapporteur on the Independence of Judges and Lawyers Diego García-Sayan noted concern about the role of judicial and prosecutorial



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institutions in politically persecuting MAS-affiliated members.<sup>358</sup> The U.N. Secretary-General's Personal Envoy also raised the issue of political persecution, highlighting the effect it could have on the upcoming elections. He stated, "Citizens and candidates, regardless of their political affiliation, must be able to exercise their constitutional rights and elect and be elected with full freedom, without abuse, intimidation or discrimination of any kind. The legitimacy of the electoral process will depend on it."<sup>359</sup>

Like the U.N., the IACHR has expressed concern about the persecution of MAS officials. Following the November 2019 visit of its delegation to Bolivia, the IACHR documented reports of "the judicial persecution of a number of people through criminal investigations or legal proceedings that were opened on the basis of their political opinions, convictions, or positions, including their work as public officials during the MAS administration."<sup>360</sup> Several months later, during the 175th Period of IACHR Sessions in Haiti from March 2 to 8, 2020, the Commission's Special Rapporteur on Freedom of Expression Edison Lanza asserted, "Opinion against the government should not be considered to be sedition, [instead] they are part of the polarized environment."<sup>361</sup>

It is important to note that the implications of the criminalization of political affiliation extend beyond the individuals who have personally faced criminal charges and judicial processes. As the IACHR noted, prosecutions in Bolivia have resulted in a "domino effect" that has triggered mass resignation of MAS political figures.<sup>362</sup> Both judicial persecution and the repressive climate it has engendered violate the Bolivian peoples' rights to affiliation, expression, and political participation.

## **MAS Politicians**

Since the interim government assumed power, it has subjected officials and employees affiliated with the MAS party to criminal persecution. The

following cases further substantiate the trend that the IACHR identified: the police have subjected these individuals to detention, arrest, harassment, and criminal charges based on their political affiliation and previous employment in public roles. The IHRC makes no determination as to the possible culpability of the following individuals, but it is concerned by the pattern of persecution of MAS officials and government employees that representatives from the U.N. and IACHR have also recognized.

## **Officials**

### *Patricia Hermosa*

In an op-ed in *El País*, U.N. Special Rapporteur on the Independence of Judges and Lawyers Diego García-Sayán recounted the case of Patricia Hermosa, former Chief of Cabinet and legal representative for ex-president Evo Morales, who police arrested in December for having telephone contact with Morales<sup>363</sup> and again in January while she tried to register Morales as a candidate for the Senate in the upcoming elections.<sup>364</sup> The government has charged Hermosa with sedition, terrorism, and financing terrorism.<sup>365</sup> Hermosa has rejected the possibility of submitting to *un proceso abreviado*, an expedited summary judgement process which would require her to admit guilt for acts she maintains that she did not commit.<sup>366</sup> Human rights advocates and politicians, including Morales critics, have demanded Hermosa's release, particularly following reports that she recently suffered a miscarriage in jail.<sup>367</sup>

### *Carlos Romero*

The interim government arrested former Interior Minister Carlos Romero in January for corruption.<sup>368</sup> Police took Romero into custody at a hospital center where he was receiving treatment for hypertension and dehydration after being held in his home for days by *grupos de choque* who, according to Romero, were there to kidnap him.<sup>369</sup> On

the day of Romero’s arrest, members of the IHRC team witnessed people at the hospital and Public Ministry yelling violent threats at the ex-Minister, calling him “Faggot Romero,” and threatening MAS supporters as they passed by. Police stationed at the hospital and Ministry did not attempt to stop the threats, and some officers joined in on insulting the MAS party.

### *Gustavo Torrico*

The Áñez administration arrested lawmaker Gustavo Torrico in February, charging him with sedition and terrorism for statements made to the media after the elections.<sup>370</sup> Torrico believes that the real motive behind the detention is his political affiliation, stating that, “If they detain me for being a *masista*, they will have to give me a life sentence because I will never stop being one.”<sup>371</sup>

### *Political Figures Under Protection of Mexican Embassy*

A number of former MAS government officials, including former Chief of Staff Juan Ramón Quin-

tana, former Defense Minister Javier Eduardo Zavaleta, and Former Minister of Culture Wilma Alanoca, have sought international protection within the Mexican embassy in La Paz; Bolivia has refused to give these asylees exit passes.<sup>372</sup> The former head of the information technology agency is also under the embassy’s protection.<sup>373</sup> Quintana is being investigated for election fraud, corruption, sedition and terrorism.<sup>374</sup> Police apprehended Zavaleta for “sedition and other [crimes]” through an order issued on January 21, 2020.<sup>375</sup> Alanoca has been the target of a media campaign to undermine her public image after Morales referred to Alanoca as a possible candidate in the upcoming elections.<sup>376</sup> The government has charged her with “criminal organization” and illegal purchase of gasoline for the purpose of assembling Molotov bombs.<sup>377</sup>

According to the Mexican government, their embassy in La Paz has been surrounded by police officers in what Mexico calls a “siege” that is “clearly meant to intimidate” those within the embassy.<sup>378</sup> Mexico maintains that Bolivian police have harassed diplomats due to the presence of the asylees within the embassy, and Mexico has announced its



*Señora de pollera* walking in El Alto. Indigenous women have increasingly been the targets of racist attacks since the October 2019 elections. ©2020 Thomas Becker

# Sexual & Gender Based Violence

*I heard them tell the women, ‘What do you want here? Fucking Indian, drug trafficke.’ They grabbed them by their hair and said, ‘Why did you come?’<sup>379</sup>*

– Elvira Herbas, Sacaba resident

The current breakdown in due process and the rule of law has exacerbated existing discrimination and exposed specific marginalized groups, particularly women and girls, to heightened risks of human rights violations. The Institute of Therapy and Research on the Aftermath of Torture and State Violence (ITEI) documented various forms of abuse endured by women in November, including torture, sexual assault, and threats of rape and murder.<sup>380</sup> Both state and para-state actors have carried out these forms of sexual and gender-based violence (SGBV).

Women who have been arbitrarily detained have been particularly vulnerable to SGBV.<sup>381</sup> A young female interviewee described how police officers grabbed her and other detainee’s breasts while transporting them in the back of a police wagon.<sup>382</sup> The officers threatened to kill the women if they looked, and one officer broke the interviewee’s nose during the abuse.<sup>383</sup> Another female detainee recounted being held alone in the cells of the Special Force to Fight Crime (FELCC) where a police Lieutenant repeatedly told her “Finally, you’re alone. I’m going to rape you now.”<sup>384</sup> She has since been released but constantly relives this torture: “Sometimes I cry all day. I am traumatized.”<sup>385</sup>

Other instances of SGBV have been committed by para-state actors or civilians acting under state-sanctioned impunity. During a vigil at Cochabamba’s City Hall, a group of women were



Aymara woman in La Paz. ©2020 Thomas Becker

surrounded by an armed crowd who, in the presence of police officers, threw food at their breasts, groped them,<sup>386</sup> and threatened them with gang rape and sexual violence for almost six hours.<sup>387</sup> “They yelled that they would fix me right, that they would gang rape me. They said I had not known a real man in my life but that they would show me. It was very graphic,” one of the women stated.<sup>388</sup> The police refused to stop this assault or help the group leave safely.<sup>389</sup>

Similarly, homophobic violence and harassment have become commonplace in Bolivia. On several occasions, people surrounded a member of the IHRC investigative team and chanted “Faggot *Masista*.” Team members also witnessed civilians yell homophobic slurs at MAS party members and human rights defenders. Multiple interviewees recounted similar experiences, including routinely being called “faggots” and “bitches.”<sup>390</sup> One young MAS supporter with long hair was taunted by para-state groups, who threatened to put a skirt on him and rape him.<sup>391</sup> These forms of discrimination not only threaten the safety of the individuals being harassed; they serve as an affront on the dignity of all marginalized groups in Bolivia.



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intention to bring the dispute before the International Court of Justice.<sup>392</sup> Bolivia has since expelled the Mexican Ambassador and two high-level Spanish diplomats who had visited the asylees at the Mexican Embassy.<sup>393</sup>

## State Employees

### *César Dockweiler*

Like many other high-level officials in the Morales administration, César Dockweiler, former Director of the public transport company “Mi Teleférico,” stepped down from office in November 2019. He now faces several charges for crimes, including “anti-economic conduct,” sedition, and terrorism.<sup>394</sup> Dockweiler fled the country at the end of 2019 because he believes he has been turned into a “political trophy.”<sup>395</sup> He stated, “In Bolivia, there is no justice; justice is according to orders of the Government.”<sup>396</sup>

### *Oscar Silva*

Oscar Silva, an official in the National Hydrocarbon Agency and father of former MAS legislator Valeria Silva, faces an arrest warrant for failing to appear to testify in the case of “digital warriors.”<sup>397</sup> Silva is accused of supervising the operation of “digital warriors,” who produce pro-MAS digital propaganda through memes, videos, and other digital products.<sup>398</sup> According to police, the house where Silva oversaw the “digital warriors” was bought by the National Hydrocarbon Agency.<sup>399</sup> The government has also accused former director of the National Hydrocarbon Agency Gary Medrano, who purchased the building, of noncompliance with official duties and unlawful use of state assets.<sup>400</sup>

### *Carlos de la Rocha*

Carlos de la Rocha is a doctor and the coordinator, from 2015-2019, of a Cuban-Bolivian Health Brigade. He worked under the supervision of the

Minister of Health during Morales’s administration. After the elections in November, the police began to harass, arrest, and deport Cuban nationals, including expelling over 700 Cuban doctors who worked in underserved communities.<sup>401</sup> In January, the FELCC apprehended and detained de la Rocha,<sup>402</sup> accusing him of stealing state property, non-performance of duties, and anti-economic activity.<sup>403</sup>

The charges leveled against de la Rocha may echo broader targeting of foreign nationals, particularly those linked to Cuba and Venezuela, both allies of the Morales government with whom the Áñez government has since cut diplomatic ties.<sup>404</sup> Bolivian authorities charged a group of nine Venezuelans with sedition and accused them of coordinating and funding protests in November.<sup>405</sup> The BBC reported the detention of these individuals in the context of the interim government’s “scapegoating” of Venezuelans.<sup>406</sup> Other outlets reported increased incidents of xenophobia in the weeks following the elections,<sup>407</sup> and the IHRC witnessed several incidents of discrimination against foreigners firsthand. In fact, on several occasions, pro-Áñez groups surrounded members of the IHRC team, yelling at them to “get out of our country” and demanding “seditious foreigners out of Bolivia.”

## MAS-Affiliated Individuals

The interim government has also persecuted many individuals with only peripheral or tangential relationships to the MAS party. The targeting of babysitters and assistants of MAS politicians, as well as non-politician MAS bureaucrats, reflects a troubling trend in which the interim government has cast a broad net of persecution. Such action discourages affiliation, in any form, with the MAS party and threatens the Bolivian public’s rights to association, expression, and political participation.

## Personal Employees

Employees of former politicians are facing judi-

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cial persecution. For example, on December 20, 2019, state forces arrested Luis Hernán Soliz, Evo Morales's personal and family assistant — whose responsibilities included organizing Morales's haircuts and coordinating meetings — after he had telephone conversations with Morales.<sup>408</sup> The government argues that these calls are sufficient to prosecute Soliz for sedition and terrorism.<sup>409</sup> He is now under preventive arrest for six months.<sup>410</sup> Ana Rodríguez, Soliz's wife, says she was told by government officials, "If you have contact with Evo, you will be charged. That [contact] means you are organizing conflict in Bolivia."<sup>411</sup>

The interim government has also targeted Morales' lawyer, Wilfredo Chávez. Chávez sought refuge in the Argentinian embassy in La Paz in February 2020 after claiming that the interim government intended to detain him on then-unspecified charges.<sup>412</sup> The government denied that there was an arrest order against Chávez after Morales tweeted that the interim government wanted to detain Chávez and search his offices.<sup>413</sup> In March, however, the government brought charges against Chávez for extortion and legitimization of illegal gains.<sup>414</sup>

In January, police arrested Jorge Rendón, the messenger for Morales's first Chief of Staff Carlos Romero, for carrying Romero's identification card in order to process his salary.<sup>415</sup> That same month, the interim government also arrested the domestic worker who cared for the children of ex-Minister Juan Ramón Quintana when police reported finding a weapon in her residence.<sup>416</sup> After she was placed under house arrest, a court ordered her transfer to the Obrajes jail in relation to the sedition, terrorism, and financing of terrorism charges against Quintana.<sup>417</sup> In addition, police arrested another woman who held Quintana's power of attorney and used it to cash some checks.<sup>418</sup> At the El Alto airport, police also arrested a woman they accused of carrying over 100,000 dollars to finance Evo Morales in Argentina.<sup>419</sup> Minister Arturo Murillo identified the woman as a "frequent co-laborator" with Quintana and accused her of using

that money "to finance terrorism and ex-president Evo Morales."<sup>420</sup> According to Murillo, the woman worked for the Venezuela oil company PDVSA in Bolivia, which "has been financing narco-terrorism" in the region.<sup>421</sup>

## **MAS Leaders Outside the Government**

The Áñez administration has also targeted individuals linked to the MAS party who were not part of the government. State forces detained prominent Afro-Bolivian Elena Flores, the president of the Departmental Association of Coca Producers of the Yungas of La Paz (Adepcoca) and a MAS member, in early March.<sup>422</sup> The government accused her of seizing and destroying the Adepcoca health center in 2019.<sup>423</sup> Her lawyer rejects the charges, arguing that evidence was manipulated and false proof was presented to make an arrest warrant viable.<sup>424</sup>

## **Climate of Political Persecution**

The widespread arrests of MAS officials and of civilians linked to the MAS have occurred in a broader discriminatory context in which government officials have regularly made public statements denigrating individuals related to MAS. In October, then-Senator, and now-Interim President Áñez posted racially charged commentary on social media, since deleted, calling former President Morales "the 'poor Indian.'"<sup>425</sup> Minister Arturo Murillo has referred to members of the MAS party as "unethical," declaring that "they get naked at airports, rape their children, rape women, [and] beat women."<sup>426</sup> In 2017, then-Senator Murillo wrote an op-ed suggesting that MAS was a "narco-party."<sup>427</sup> He has echoed these ideas in the past months, dismissing violence against protestors as simply an effort to rid Bolivia of narco-trafficking.<sup>428</sup> Since assuming his current role as Minister of the Interior, Murillo has threatened to "go hunting for" Juan Ramón Quintana, the former Minister of the Interior, "because he is an animal that feeds on the blood of the people."<sup>429</sup>

This type of language has fueled attacks against



Poster on a wall in La Paz of *Pachamama*, the mother earth spirit celebrated by indigenous communities in the Andes. Interim President Áñez, a devout Christian, referred to indigenous customs as “satanic” in a tweet.

MAS party members by civilians and para-state groups associated with the Áñez government. The IACHR reports that pictures of MAS officials have been circulated on social media with “wanted” signs pasted below, threats that were often precursors to arrests of or violence against these officials.<sup>430</sup> Further, the IACHR notes reports from the country’s mayoral association that 65 local authorities resigned from their offices “as part of the pattern of pressure and intimidation that is affecting daily life throughout the country.”<sup>431</sup>

The climate of political persecution in Bolivia has undermined democratic participation in various ways. First, it acts to delegitimize MAS as a political party, associating MAS and all of its officials with terrorism, sedition, and corruption rather than

legitimate political participation. Second, it generates fear of being identified with MAS or even with MAS officials.<sup>432</sup> Insults common on social media include “putas *masistas*,” “hijos de puta *masistas*,” “*masistas* de mierda,” and these are echoed in public during protests.<sup>433</sup> Third, it has identified any protest against the government with MAS action, making it virtually impossible to speak out against the government without being identified as a “*masista*.”

With elections scheduled to take place in the coming months, this widespread persecution of MAS officials and supporters, and the assumption that any and all critical voices are “*masista*”, has created a chilling effect on democratic participation. As the family member of one former government employee in jail told us, “They are looking to silence, through repression, anyone who has the possibility or reach to move many people. They capture one or two to scare the rest. It has a very effective chilling effect.”<sup>434</sup>



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## VIII. Civilian & Para-State Violence

State authorities are not acting alone as a force of repression in Bolivia. Non-state actors play an important role in enforcing and maintaining the environment of persecution that has ensued since the November elections. State actors presenting as civilians, civilians undertaking policing functions under state sanction, and violent para-state groups politically aligned with the interim government have, according to interviewees, created an environment of pervasive vigilantism and unrestrained violence.<sup>435</sup>

### Police Officers Presenting as Civilians

Police officers and soldiers have increasingly operated in their official capacity while presenting themselves as civilians. This growing practice blurs the line between state and non-state enforcement authority, obstructs accountability for police misconduct and, as one human rights activist stated, creates an “incredible sense of vulnerability. You don’t know who is who.”<sup>436</sup>

After the Senkata killings, for instance, police arrived at a nearby hospital to threaten and arrest patients.<sup>437</sup> One hospital worker stated that “many officers came in,” but he could not estimate the number because “they were dressed as civilians.”<sup>438</sup> The officers’ ranks and names were also unclear because they “showed their credentials very fast.”<sup>439</sup> These police then assured the guards that all the gunshot victims were “terrorists” and would be “charged.”<sup>440</sup> Plainclothes police officers were also present at a hospital in La Paz, filming members of the IHRC as they conducted interviews about human rights violations.

Carlos Cornejo, a journalist and human rights

activist in El Alto, had a similar encounter with plainclothes police after organizing a benefit for the Senkata victims’ families.<sup>441</sup> The day he was arrested, “seven or eight police officers dressed as civilians” approached him and “didn’t identify themselves other than by saying they were police.”<sup>442</sup> They told him he was under arrest and put him in a white, unmarked minibus with no plates. Carlos called his lawyer under his jacket to tell him he was being taken, but the police caught him and took his phone. Carlos was brought to the FELCC station in the Satelite neighborhood, where “more police officers dressed as civilians came in to question and intimidate” him.<sup>443</sup> The police and prosecutor inspected his phone and belongings but “could not find any evidence of what they were charging [him] with.” Nevertheless, Carlos spent the night in jail. He was released the next day and is still fighting the charges.

### Civilians Colluding with State Authorities

While some police have performed duties in plainclothes, others have worked closely with civilians to carry out policing functions. For example, on November 11, plainclothes police officers and neighbors working together detained Christian Calle Frauz and his 16-year-old intellectually disabled brother Kevin.<sup>444</sup> Christian was sent home from work because of ongoing protests, and he picked up his brother Kevin on the way. As they approached the Satelite neighborhood, between twenty and thirty neighbors surrounded and then grabbed them. A man in the crowd came up with a baton hidden up his sleeve and hit Christian in the stomach. The attacker was wearing civilian clothing but identified himself as a police officer, stating, “I’m police, now you’re going to talk.”<sup>445</sup> The

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officer and the neighbors accused the brothers of being spies and wanting to “burn things.”<sup>446</sup> The mob brought the brothers to a street corner where two other people were being held. They took their things, sat them on the floor, taped their hands, and tied all their shoelaces together. Throughout the afternoon, the mob grabbed more people and dragged them to the corner. To Christian, it “seemed that the police and the neighbors were in league with each other.”<sup>447</sup>

Uniformed officers arrived and told Christian and the others that they would release them to their families. Christian called his sister, Dora, who rushed there with their identification documents. When she arrived, the police arrested her too without giving a reason. Throughout their time in custody, the police threatened, beat, and abused all three siblings.<sup>448</sup> Despite his disability and being underage, Kevin spent roughly a month in the San Pedro maximum-security prison.<sup>449</sup> Christian and Dora were imprisoned for five months.<sup>450</sup> The three siblings have since been released to house arrest to await the adjudication of their cases for terrorism, but they worry that they “can be put back in jail at any moment.”<sup>451</sup> They fear house arrest “is no guarantee; it is not full liberty.”<sup>452</sup>

In many instances, doctors, nurses, and other health professionals have reportedly assisted state forces targeting patients critical of the interim government. Several interviewees recalled that after the Senkata and Sacaba massacres, doctors and nurses made disparaging comments about patients, and police took several patients into custody immediately upon discharge from the hospital.<sup>453</sup> A father accompanying his dying son said “one staff member told me directly that I had sent my son to the protests. They were humiliating me.”<sup>454</sup> Another doctor in El Alto admitted that the police interrogated patients in the hospital right after the Senkata massacre but denied any harassment or collusion.<sup>455</sup> Nevertheless, the distrust of health professionals and the perception of having been mistreated by them was shared

widely among injured interviewees.<sup>456</sup>

Several IHRC interviewees reported that civilians have increasingly collaborated with state officials as informants as well. Many detainees expressed a belief that they were being watched by the police through “infiltrators.”<sup>457</sup> As a result, individuals have isolated themselves from their friends, neighbors, and colleagues for fear of being targeted and persecuted. According to an activist in El Alto “there is a lot of mistrust... The people are very afraid now.”<sup>458</sup>

## Vigilantism

Towards the end of Morales’s presidency, the police and military mutinied against his government.<sup>459</sup> In response to increased looting, rumors of violence, and the lack of police forces across the country, some citizens formed “resistance” or neighborhood watch groups. During November, street blockades and civilian checkpoints were widespread in highly populated cities like La Paz and Cochabamba. One interviewee related how neighbors in her block were convened to block the streets.<sup>460</sup> Ariel, a media producer, participated in the blockades in the southern zone of La Paz. He said, “We defended ourselves... You would see boys, girls, adolescents, *jailones* [*fancy people*], women in *pollera* at the blockades. Mostly people from the middle and upper classes. We blockaded every day. We were alert but nothing happened.”<sup>461</sup> While many of these protection initiatives performed neighborhood watch functions, others developed into vigilantism. Some civilians, acting individually or in groups, have taken it upon themselves to carry out threats and enforce the policies of the interim government. Some blockade points, for example, operated as de facto checkpoints. One interviewee recounted being stopped regularly throughout late October and early November by his neighbors who “would check your phone if you were brown and weren’t blockading.”<sup>462</sup> Another recalled being interrogated multiple times

# Patricia Arce

*“This was a message for all women here that we still cannot occupy public spaces.”<sup>463</sup>*

– Patricia Arce, Mayor of Vinto

On November 6, 2019, a group of violent protestors held Patricia Arce, mayor of Vinto, against her will until she was rescued and taken to a hospital.<sup>464</sup> These anti-MAS protesters verbally and physically abused Ms. Arce, after vandalizing and burning the public building where she works. Protesters cut off Ms. Arce’s hair, covered her body with red paint and gasoline, and forced her to walk barefoot down a long street full of broken glass.<sup>465</sup> Following the attacks, Ms. Arce went into hiding for almost two weeks. Since then, Ms. Arce has been receiving psychiatric treatment and has trouble sleeping.<sup>466</sup>

In response to the violence, the Inter-American Commission on Human Rights granted Ms. Arce and her children precautionary measures to protect their rights to life and personal integrity.<sup>467</sup> However, the government has failed to implement the measures. In particular, the government has ignored its commitment to provide

Ms. Arce with the security personnel that it promised would accompany her. Ms. Arce still receives threats from anti-MAS citizens via phone, Twitter, and Facebook – though prosecutors say these are not sufficient proof of a continuing threat to her – and there has also been very little progress in the investigation to hold accountable perpetrators of the November 6 violence.

Instead of protecting Ms. Arce, the interim government has actually escalated the persecution against her. The General Prosecutor’s Office has charged Ms. Arce with sedition, separatism, and non-compliance with duties, among other charges, and a prosecutor threatened to remove her precautionary measures if she tells anyone about the state’s noncompliance.<sup>468</sup> Some public officials have accused the mayor of orchestrating the events of November 6, including self-attack and self-kidnapping.<sup>469</sup> Recently, special police forces entered Ms. Arce’s home without a warrant, arresting her and her children for violating quarantine. After illegally holding her family two nights, including a minor, the government released them under house arrest.<sup>470</sup> “We are living in times like those 50 years ago during the dictatorships,” Ms. Arce asserts.<sup>471</sup> Nonetheless, she continues to work in her capacity as mayor.

Vinto Mayor Patricia Arce speaks to reporters after anti-MAS protestors kidnapped her, cut off her hair, dumped paint and gasoline on her, and paraded her through the streets. ©2019 Jorge Abrego





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by neighbors when she left her apartment.<sup>472</sup> The organizers told them they “had to be careful and protect [them]selves.”<sup>473</sup> It seemed to her that “they wanted to keep all the neighbors in fright.”<sup>474</sup> Some civilians carried arms. For instance, a member of the civilian group camped outside the Ombudsman’s Office in Cochabamba attempted to enter with a .22 caliber firearm and four loaded cartridges.<sup>475</sup> Another interviewee reported that retired soldiers living in the Irpavi neighborhood of La Paz were heavily armed and organized to block the streets “in a way that was scary.”<sup>476</sup>

Often, state authorities have selectively sanctioned these civilians and in many cases, promoted their vigilantism. Estefany stated that she believes her neighbors were receiving guidance from the military, as uniformed soldiers were often “hanging out” at the blockades.<sup>477</sup> On several occasions, the IHRC witnessed police condone and even support harassment by pro-Áñez groups. For instance, in January 2020, the IHRC observed a crowd of roughly 40 people gather outside the Public Prosecutor’s Office, shoot fireworks, and yell disparaging and homophobic slurs at a MAS official inside. Police officer observed the civilians, and at least one officer joined in. When an indigenous woman walking by made a statement criticizing “Áñez’s self-proclaimed presidency,” people from the crowd yelled at her, calling her “ignorant,” “illiterate,” and other anti-indigenous slurs. Although the police had overlooked the actions of the anti-MAS protestors, they threatened to arrest her. The IHRC observed similar selective protection in Cochabamba in December 2019, when police allowed pro-Áñez groups to camp outside the Ombudsman’s office and harass people as they entered, while prohibiting supporters of the Ombudsman from coming near the office.

## Motoqueros

While much civilian vigilantism has developed informally, some may indicate the presence of more organized and armed mobilizations. Certain civil-

ian groups have grown in numbers, political influence, and violent force since November. *Grupos de choque* (“shock” groups) in support and opposition of Morales emerged during the days leading up to and following his resignation. Among them, the *Resistencia Juvenil Cochala* (RJC) and its *motoqueros* appear to be the most structured and capable of violent mobilization. The RJC self-defines as a policing and control entity ready to respond to “threats and vandalism.”<sup>478</sup> Their main targets have been critics of the interim government and people profiled as MAS supporters. The IACHR reported that they also heard accounts of the RJC targeting journalists and threatening them with death.<sup>479</sup> One of the RJC’s founding members assured the media that they are creating a national network to “confront whoever wants to fuck with Cochabamba.”<sup>480</sup> The RJC had roughly 150 members around the time of the October election, but by December 2020 they were believed to have over 20,000 members nationally.<sup>481</sup>

RJC members often mobilize on motorcycles and have become known as “*motoqueros*.” An interviewee who saw RJC group members in Sacaba thought “they looked like rich people, had green eyes and expensive motorcycles.”<sup>482</sup> During confrontations, members wear ski masks and bullet-proof vests as makeshift combat uniforms.<sup>483</sup> They have reportedly armed themselves with clubs, homemade cannons, bazookas, molotov cocktails, pellet guns, and firearms.<sup>484</sup> Several interviewees perceived a “very clear link and coordination” between the *motoqueros* and the police force.<sup>485</sup> This close relationship with state actors, as well as the group’s numbers, resources, and armament have led many to profile the *motoqueros* as a “shock” and para-state group that “generated fear and distrust in some areas of Cochabamba.”<sup>486</sup>

The RJC and the *motoqueros* have been linked to some of the most violent and racist incidents of the political conflict, including the kidnapping and torture of Vinto Mayor Patricia Arce<sup>487</sup> and the deadly confrontations in Huayculi-Quillacollo, where *mo-*



Graffiti denouncing motoqueros as a para-state group in Sacaba. ©2020 Thomas Becker

*toqueros* reportedly forced MAS supporters to “kneel and ask for forgiveness.”<sup>488</sup> Many of the demonstrators interviewed by the IHRC in Sacaba stated that they participated in the march that day because they were protesting the *motoquero* beatings and denigration of indigenous women in Cochabamba.<sup>489</sup> One woman recounted how the *motoqueros* beat and broke the nose of a man for carrying a *wiphala*.<sup>490</sup>

Despite their intimidating and often violent interventions, the government has allowed *motoqueros* to act with impunity and actively undertake policing functions. One human rights defender observed a pattern of “permissiveness and whitewashing of these vigilante groups” by the state.<sup>491</sup> Rather than denouncing criminal behavior, President Áñez has praised and rewarded the leader of the *motoqueros*.<sup>492</sup> Minister of the Interior Arturo Murillo<sup>493</sup> and Police Commander Jaime Zurita<sup>494</sup> also thanked the *motoqueros* and expressed a desire to collaborate with them.

Some have criticized the government for more direct links to the *motoqueros*. Kathryn Ledebur, Director of the Andean Information Network, echoed reported that “the *motoqueros* are not working on the margins of the institution, but in conjunction.”<sup>495</sup> The Andean Information Network has documented “repeated denunciations and footage of the police and the *motoqueros* working in tandem in an alliance to attack, beat, and detain indigenous and pro-MAS people.”<sup>496</sup> In Cochabamba, a group of young human rights activists tried to seek justice in mid-December after being “attacked, harassed and threatened with sexual violence” in November by the *motoqueros* but were afraid and advised against it by a lawyer “because the police and the judges are in with the *motoqueros*.”<sup>497</sup>

Interviewees witnessed the tight link between *motoqueros* and state forces in Cochabamba on various occasions. On December 18, 2019, roughly 50 local residents held a “peaceful vigil” with *wiphalas* in front of the local City Hall in Cochabamba to ensure voting would take place after *motoqueros* reportedly carried out “mini-coups” in neighboring districts to prevent local elections from happening.<sup>498</sup> According to witnesses, about 300 *motoqueros* surrounded the group and verbally and physically abused them for nearly six hours, all in the presence of police.<sup>499</sup> *Motoqueros* called them names like “*cholas de mierda*” (fucking indigenous women), “*indios de mierda*” (fucking Indians), “*maricones*” (faggots), and “*marimacha de mierda*” (fucking butch) and threatened sexual violence against both the women and men in the group.<sup>500</sup> They told communications strategist Raisa they would rape her and “fix her right.”<sup>501</sup> Another woman recounted to the IHRC that the *motoqueros* threatened to “put a stick up [her] ass” so that she “knew what was good” and told her male friend they would dress him in a *pollera* and rape him.<sup>502</sup>

Physical violence soon followed. The *motoqueros* threw eggs at the indigenous women and told them to leave to their farms and not come to Cochabamba to make problems.<sup>503</sup> They groped women and threw

## Racism & Other Discrimination



Anti-indigenous graffiti in La Paz, referring to Evo Morales as “the Indian.” ©2020 Fabiola Alvelais

*We want justice. There is no justice for the campesino.*<sup>504</sup>

– Wilmer Vedia, *campesino*

Since the interim government took power, there has been an upsurge in racism carried out by both government officials and civilians.<sup>505</sup> The vast majority of the people injured, killed, or detained since November are indigenous, prompting many to assert that the government has been systematically targeting indigenous people. “Who is being thrown in jail? The *campesinos*, the poor, and people from the popular sector. They profile us because of our skin color and last names,” said an Aymara journalist.<sup>506</sup>

The current racist climate is evident at the highest levels of the government. Áñez herself has displayed discriminatory views and perpetuated racist tropes against indigenous peoples on social media.<sup>507</sup> She has questioned indigenous identity,<sup>508</sup> branded indigenous religious rites “satanic,”<sup>509</sup> and referred to Morales as a “poor Indian.”<sup>510</sup> In her first public appearance after being sworn in, she flaunted an oversized bible and declared, “The Bible has returned to the palace.”<sup>511</sup>

Shortly after, she filled her cabinet with non-indigenous business leaders and politicians<sup>512</sup> and later warned voters against allowing the return of “savages” to power.<sup>513</sup>

Other government officials and Áñez allies have also engaged in racist and discriminatory behavior. The Minister of Foreign Affairs, for instance, implemented a dress code prohibiting *polleras*, ponchos, and other indigenous clothing at the Ministry. The code was withdrawn following public criticism.<sup>514</sup> After Morales’ resignation, Áñez ally Fernando Camacho entered the government palace with a bible and pastor who proclaimed, “The Bible has re-entered the palace. *Pachamama* (the indigenous Andean Mother Earth Spirit) will never return.”<sup>515</sup> Camacho’s supporters, particularly the Santa Cruz Youth Union, have been described as “racist” by the U.S. Embassy for carrying out attacks on indigenous people and MAS supporters,<sup>516</sup> burning the *wiphala*,<sup>517</sup> and releasing videos of members giving the Nazi salute.<sup>518</sup>

Politicians are not the only ones who have denigrated indigenous people and customs. Immediately after Áñez took power, videos circulated of police and soldiers ripping the indigenous *wiphala* flag from their uniforms. In many attempts to repress protests across the country, state forces have attacked indigenous people with physical violence and racist epithets. Interviewees have reported police and soldiers calling them “fucking peasants,”<sup>519</sup> “shitty terrorists,”<sup>520</sup> and “fucking dog Indians.”<sup>521</sup> One indigenous girl described how security forces attacked an Aymara woman during a neighborhood meeting: “[The police] came up to us on their bikes. After throwing gas at us, a police officer grabbed the hair of an [indigenous woman] and started dragging her from the bike.”<sup>522</sup> She recounted the fear she and the other locals



felt as they “grabbed their babies and ran.”<sup>523</sup>

The interim government has passively sanctioned or tolerated similar discriminatory behavior by civilians and para-state groups. Supporters of the interim government have burned the *wiphala* flag in the streets; medical professionals have refused to treat injured indigenous people, instead calling them Indians; and para-state groups have violently attacked indigenous people.<sup>524</sup> Human rights activists have expressed heightened concern about the vulnerability of indigenous women in recent months: “Women in *polleras* have been particularly targeted by racists because they are more visible.”<sup>525</sup> In Cochabamba, for example, *motoqueros* associated with the local police arrived at an anti-racism march and “forced the women down [from buses], threw them to the floor and beat them.”<sup>526</sup>

The widespread anti-indigenous backlash in Bolivia raises concerns that Bolivia is returning to the days when indigenous people were treated as second class citizens. One indigenous man recounted a recent scene that was reminiscent of the days of the dictatorships: “We saw them step over the *wiphala* and kick women in *polleras*. Most of



Anti-Morales protestor at a march in November 2019 giving the Nazi salute. Though most anti-Morales protestors did not act this way during the 2019 demonstrations, there has been an upsurge in racism since the 2019 elections. ©2020 Radoslaw Czajkowski

us are from indigenous heritage. Symbolically it has been a humiliation. Deep down there is hate, deep hate.”<sup>527</sup>

food and trash at their face and breasts.<sup>528</sup> Mariel, a local professor, was pulled by the hair and thrown on the floor.<sup>529</sup> “We knew they were armed,” one victim recalled.<sup>530</sup> Later, members of the group heard that one of the *motoqueros* showed his gun to a journalist covering the protest.<sup>531</sup>

Although the police were standing in formation between the group and the *motoqueros*, they refused to intervene to stop the violence, insisting that “they could not guarantee the protesters’ safety and would not be held responsible if anything happened to them.”<sup>532</sup> To the group, this signaled a bias and “very collegial relationship between the *motoqueros* and the police.”<sup>533</sup> They also reported witnessing some officers “greeting the *motoqueros* like they were friends.”<sup>534</sup> The group tried to leave safely after the voting was done. An interviewee

named Andrés recalled “the *motoqueros* started beating us up,” and one woman had a firecracker exploded on her shoulder. However, “the police retreated and did not stop the beatings. There was never an intention to keep us safe or help us.”<sup>535</sup>

For many interviewees, the impunity of the *motoqueros* and other para-state groups has undermined democracy in Bolivia and has generated “a climate of fear and hostility.”<sup>536</sup> They assert that “to establish democracy, there has to be accountability for vigilante attacks.”<sup>537</sup> Recently, however, one of the founders and leaders of the RJC expressed that the group has no intention to scale back their activities, but rather they intend to grow, warning “the worst is yet to come, and the ‘Resistance’ will be there.”<sup>538</sup>

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## IX. Legal Obligations

Though the Añez administration is an interim government while elections are pending, it is nonetheless bound by the domestic and international legal obligations of the Plurinational State of Bolivia. The government has a duty to guarantee everyone the free and effective exercise of the rights established in the country's 2009 Constitution and laws.<sup>539</sup> As a party to various international legal instruments, Bolivia is further bound by significant international legal obligations, particularly since the Constitution gives primacy to international law over domestic law.<sup>540</sup>

### Right to Life

The right to life is arguably the most fundamental right guaranteed under Bolivian and international human rights law. Domestically, both the right to life and the right to physical integrity are codified in Article 15 of the Bolivian Constitution.<sup>541</sup> The right to life is also deeply enshrined in international customary and human rights law. The Universal Declaration of Human Rights (“UDHR”) states, “everyone has the right to life, liberty and security of person.”<sup>542</sup> Article 6 of the International Covenant on Civil and Political Rights (“ICCPR”), ratified by Bolivia in 1982<sup>543</sup> similarly asserts, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>544</sup> International law recognizes that a life may be lawfully taken, but only in very limited circumstances, specifically when doing so is strictly necessary or when self-defense or defense of others is a reasonable and proportionate response to an imminent lethal threat.<sup>545</sup>

While the UDHR and ICCPR are applicable globally, regionally, in Latin America, the most important human rights treaty is the American



Flowers left for the victims in Sacaba. Indigenous communities frequently use the phrase “...de pie, nunca de rodillas” (standing, never on our knees) in response to repressive governments.

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Convention on Human Rights, ratified by Bolivia in 1979, which grants a more explicit protection of the right to life.<sup>546</sup> Article III of the American Convention states, “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.”<sup>547</sup> On several occasions, the Inter-American Court of Human Rights has indicated that “without protecting life, all other Human Rights protections are meaningless.”<sup>548</sup> Forced disappearance,<sup>549</sup> extra-judicial killings,<sup>550</sup> and failing to provide indigenous communities with basic services<sup>551</sup> have all been found by the Inter-American Court to implicate the right to life.

### Right to Assembly and Association

Bolivian and international law also guarantee freedom of assembly and association. Article 21 of the Bolivi-

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an Constitution states that Bolivians are guaranteed “freedom of assembly and association, publicly and privately, for legal purposes.”<sup>552</sup> This right is also guaranteed in international legal instruments to which Bolivia is bound. Article 21 of the IC-CPR, for instance, asserts, “[t]he right of peaceful assembly shall be recognized.”<sup>553</sup> While the state may apply limitations to peaceful assembly in specific circumstances, the treaty permits only such restrictions that are “imposed in conformity with the law and which are necessary in a democratic society in the interest of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>554</sup>

Law enforcement officials, including military personnel serving as law enforcement, may control peaceful assemblies, but their actions must stringently comply with international standards. The UN Code of Conduct for Law Enforcement Officials emphasizes that when restraining protests, law enforcement officials “may use force only when strictly necessary and to the extent required for the performance of their duty.”<sup>555</sup> The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (“Basic Principles”) provide further guidance, emphasizing that “law enforcement personnel, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.”<sup>556</sup> When force is used, which can be only as a last resort to protect life, the Basic Principles require that law enforcement officers “exercise restraint in such use and act in proportion to the seriousness of the offence”<sup>557</sup> and “restrict such force to the minimum extent necessary.”<sup>558</sup>

The American Convention also codifies the right to assembly in Article 15.<sup>559</sup> The Inter-American Commission has emphasized the importance of the right and articulated its strict limitations: “governments may not invoke one of the lawful restrictions of freedom of expression, such as the maintenance of ‘public order,’ as a means to deny a right guar-

anteed by the Convention or to impair it of its true content. If this occurs, the restriction, as applied, is not lawful.”<sup>560</sup> In this respect, the purpose of the regulation of the right to assembly cannot be that of establishing grounds for prohibiting meetings or demonstrations.<sup>561</sup>

## Freedom of Expression

Freedom of expression is one of the fundamental pillars of a functioning democracy. Once again, domestic and international law impose obligations on the government of Bolivia to ensure freedom of expression. Article 21 of the Bolivian Constitution states that Bolivian citizens possess the right to “freely express and disseminate thoughts and opinions by any means of oral, written or visual communication, individually or collectively.”<sup>562</sup> The Constitution provides further safeguards to political expression and participation: “All citizens have the right to participate freely in the formation, exercise and control of political power, directly or through their representatives, individually or collectively.”<sup>563</sup>

International law also requires that the Bolivian government protect individuals’ right to freedom of expression. ICCPR Article 19 underscores that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.”<sup>564</sup> According to the Covenant, state parties may limit such rights only in two circumstances: “(a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.”<sup>565</sup> The United Nations Human Rights Committee (“UNHRC”) has provided further guidance on restrictions of those rights, clarifying that a state party must “demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the





Indigenous man with *wiphala* in front of a line of security forces.  
©2019 Thomas Becker

expression and the threat.”<sup>566</sup>

The Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission in 2000, contains several principles that highlight the importance of the right to freedom of expression, guarantee it, and establish the requirements for its full exercise.<sup>567</sup> The Inter-American Court has also recognized that the right to access to information is a core component of the freedom of thought and expression. In 2001, the case of *Ivcher-Bronstein v. Peru* held that a government is obligated to allow critical media to exist without retaliatory action.<sup>568</sup> This principle has been further confirmed by the case of *Granier et al. (Radio Caracas Televisión) v. Venezuela*, in which the Court held Venezuela responsible for shutting down a critical media outlet, restricting the right to freedom of expression of the outlet’s executives and journalists, as well as a violation of the right to freedom of expression as it relates to the

duty of non-discrimination.<sup>569</sup> The Court has further noted that “journalism can only be exercised freely when those who carry out this work are not victims of threats or physical, mental or moral attacks or other acts of harassment”; therefore, states “have the obligation to provide measures to protect the life and integrity of the journalists who face [a] special risk.”<sup>570</sup>

## Prohibition against Discrimination

Both domestic and international law confer various obligations on the Plurinational State of Bolivia to prohibit discrimination. The Bolivian Penal Code codifies non-discrimination as one of its fundamental principles.<sup>571</sup> As such, the Penal Code prohibits racism through the criminalization of discrimination based on ethnic origin, language, or political affiliation, among many other characteristics.<sup>572</sup> The Penal Code similarly prohibits the dissemination of ideas that are based on racial superiority or hatred, promote or justify racism or discrimination, or incite violence or persecution of persons or groups of people based on discriminatory motives.<sup>573</sup>

International law likewise protects all people against discrimination. Article 1 of the UDHR makes clear that “[a]ll human beings are born free and equal in dignity and rights.” The ICCPR echoes this notion, stating, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”<sup>574</sup> Several articles of the Covenant expressly prohibit discrimination. Article 20, for example, states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”<sup>575</sup> Article 26 of the ICCPR reads, “the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour,

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sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>576</sup>

The Inter-American system also imposes obligations on the Bolivian government regarding discrimination. The Inter-American Convention codifies the idea of non-discrimination in Article 1 protecting against “discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.”<sup>577</sup>

By signing the Inter-American Convention Against Racism Racial Discrimination, and Related Forms of Violence, Bolivia has committed “to prevent, eliminate, prohibit, and punish, in accordance with their constitutional norms and the provisions of this Convention, all acts and manifestations of racism, racial discrimination, and related forms of intolerance.”<sup>578</sup> Under the Convention, “the principles of equality and nondiscrimination” are emphasized as democratic concepts that must be respected by the state.<sup>579</sup> Additionally, states are obligated to adopt measures to “protect the rights of individuals or groups that may be victims of racial discrimination” and combat “racial discrimination in all its individual, structural, and institutional manifestations”.<sup>580</sup>

## Arbitrary Detention

Arbitrary detention is prohibited in both Bolivian and international law. The Bolivian Penal Code, for instance, criminalizes prolonged wrongful detention, stating in Article 328 that “[t]he undue prolongation of detention shall constitute a serious offense.”<sup>581</sup>

The deprivation of liberty from detention is so serious that the fundamental principles of the Bolivian Penal Code include it as the “last response” after all other areas of intervention have failed.<sup>582</sup>

International human rights law also ensures the right to be free from arbitrary detention. The UDHR states that “no one should be subjected to arbitrary arrest, detention or exile.”<sup>583</sup> The ICCPR further prohibits arbitrary arrest or detention. Article 9 states that

“[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.”<sup>584</sup> In clarifying Article 9, the UNHRC has asserted that, “‘arbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.”<sup>585</sup> Article 9 further instructs that detainees must be informed why they have been detained and what charges have been levied against them.<sup>586</sup> Persons must be “promptly” presented to a judge or other judicial officer to rule on the lawfulness of their detention. Those detained are entitled to a trial “within a reasonable time or to release.”<sup>587</sup> International human rights standards further require that individuals charged with a criminal offense, “have the right to be presumed innocent until proven guilty according to law.”<sup>588</sup>

The Inter-American system also imposes obligations on Bolivia with respect to conditions of detention. The Inter-American Commission had emphasized that the presumption of innocence is “the most basic” judicial principle and that detentions must be considered in conjunction with this principle.<sup>589</sup> The Inter-American Court of Human Rights has stated that “preventative detention is the most severe measure that may be applied to the person accused of a crime” and “its application must be exceptional.”<sup>590</sup> A detention will be considered arbitrary unless a state has “sufficient indicia” that the detainee is the perpetrator or accomplice to a crime.<sup>591</sup> Furthermore, the Inter-American Court of Human Rights has held that detention resulting from an arrest based on discriminatory reasons is arbitrary and therefore illegal.<sup>592</sup>

## Prohibition Against Torture

Domestic and international law provide further protections regarding torture. The right to personal

# Eulogio Vásquez Cuba

*The thing is that even if they give me 100,000 bolivianos, my son is not coming back. I just want there to be justice.*

– Eulogio Vásquez Cuba, Father of Rudy Cristian Vásquez Condori

On November 19, Eulogio Vásquez and his 23-year-old son Rudy Cristian Vásquez Condori, a television and cable technician, ate lunch in their home in El Alto. When Rudy left at around 2:30 p.m., a helicopter was flying overhead, shooting gas at civilians outside the nearby Senkata plant. Eulogio worried about his son, but he and his wife quickly became occupied helping the many people who came to their home covering their faces to protect themselves from the gas.

As the afternoon progressed, the flow of fleeing civilians increased, and the couple began to hear shooting. Concerned about his neighbors, Eulogio left his house to help: “My wife went to the corner and saw all the frightened people. I came to the plaza and saw bullets hit my neighbor’s wall . . . I could hear bullets pass me.” Just as Eulogio felt relieved to escape the firing in the plaza, a neighbor told him that his son Rudy had been injured and was at the local health center.

Eulogio ran to the center. Eulogio explains, “At first, they wouldn’t let me enter. I said my son was there and they let me in. My son was on the floor. There were three on the floor next to him. I asked my son what happened. He bit his hands and grasped his head but couldn’t speak.” Government forces had shot Rudy in the head.

Eulogio knew he had to bring his son to the hospital, so he left the health center. He searched frantically for an ambulance or a car with gas.



Rudy receives medical treatment after being shot in the head on November 19 in Senkata. ©2019 Eulogio Vásquez Cuba

Eventually, an ambulance arrived with another person who had been shot in the back already in the ambulance. After they arrived at Holandés Hospital, medical professionals told Eulogio that he should transfer Rudy to a private center that had a CT scan.

Eulogio took Rudy to the private center, but the technicians refused to perform the scan unless they paid up front. Eulogio only had 30bs (roughly \$4) on him, so he searched for money for an hour. Eventually, he found a relative to loan him 450bs (roughly \$67) to pay for the scan. An ambulance brought Rudy back to Holandés Hospital where he was told to go to a different hospital, the General Hospital, in La Paz.

Eulogio believes the repeated misdirection was not just benign confusion: Eulogio heard nurses in the hospital spreading anti-protestor rumors, saying “Why did they want to blow up the plant? That’s why they got shot. Imagine how many people would have died if they [the protestors] did it.”



Eulogio spent hours witnessing his son's pain. The doctor who finally read the CT scan at the General Hospital said the bullet was still in Rudy's skull, and blood was leaking inside his head. The doctor told Eulogio that his son would die: "We can't save his life. That's the truth whether we operate or not. We can operate but he will die." The doctors did not perform surgery. Eulogio remembers, "At 2:00 a.m. on November 20 they said my son died. I saw him dead." He added, "Twenty minutes later the FELCC [special police force unit] was there."

Police and prosecutors have not helped Eulogio and his family since November 20. Eulogio learned from the autopsy that Rudy had been shot with a short-range, 22-caliber, copper-col-

ored bullet. Ten days after Rudy's death, however, the ballistics report had not arrived, though Eulogio had asked three times. Eulogio was not allowed to take pictures of the bullet at the autopsy, and prosecutors wanted to take Eulogio's statement in the absence of a lawyer representing him. "We were alone. We didn't want to declare without a lawyer. The injured don't want to either," he states. Officials have told him that he would need to secure a lawyer before they would release the ballistics report.

Following the autopsy, Eulogio carried out a wake for his son: "I rented out a space for the wake. I wanted to do it at the house but neighbors showed up with soda and flowers and we didn't fit. There was a bus full of people that came to the wake. Rudy's friends came."<sup>593</sup>



Neighbors fill the street in a wake for Rudy. ©2019 Eulogio Vásquez Cuba

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dignity is enshrined in Article 22 of the Bolivian Constitution, which states, “The dignity and freedom of persons is inviolable. It is the primary responsibility of the state to respect and protect them.”<sup>594</sup> The Bolivian Penal Code reinforces the Constitution, stating, “[n]o police public servant may provoke, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment, or invoke the order of a superior or exceptional circumstance or any emergency as a justification for his acts.”<sup>595</sup>

The prohibition against torture is a key component of international law as well. Torture is a peremptory norm under customary international law that cannot be derogated.<sup>596</sup> Human rights law also prohibits torture. Article 5 of the UDHR states that, “[n]o one shall be subjected to torture or to cruel, inhuman or degrading punishment.”<sup>597</sup> Article 7 of the ICCPR also codifies the right against torture or cruel and degrading punishment or treatment.<sup>598</sup> As a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”), Bolivia is further obligated to protect its civilians against torture.<sup>599</sup> The Convention against Torture demands that states “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction,” and that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>600</sup> Furthermore, the Convention requires that states criminalize torture,<sup>601</sup> and that evidence gained as a result of torture is inadmissible in judicial proceedings.<sup>602</sup> The UN Committee Against Torture has emphasized that public officials or other superiors in the chain of command, “cannot avoid accountability or escape criminal responsibility for torture or ill-treatment committed by subordinates where they know or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.”<sup>603</sup>

Bolivia is further bound by its obligations in the

Inter-American system. Bolivia has ratified the Inter-American Convention to Prevent and Punish Torture, which reaffirms the provision of the American Convention on Human Rights that no one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.<sup>604</sup> It further requires state parties to take effective measures to prevent and punish torture within their jurisdiction, even where the torture was the result of a superior order or committed during a state of emergency or political instability.<sup>605</sup>

## Investigation & Impunity

### Right to an Effective Remedy

Under international human rights law, and as incorporated into Bolivian law, victims of human rights violations have a right to an effective, adequate, and prompt remedy. This right is enshrined in major human rights instruments, including the ICCPR, which provides for an effective remedy as determined by competent judicial, administrative, or legislative authorities for any person whose rights or freedoms recognized in the Convention have been violated.<sup>606</sup> The U.N. Human Rights Committee has noted that “in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights”<sup>607</sup> The U.N. Basic Principles and Guidelines on the Right to a Remedy and Reparation elaborate on a state’s obligation, requiring effective investigations, legislative and administrative actions to prevent violations, and taking appropriate measures for those responsible for any violations.<sup>608</sup>

The Inter-American system provides further legal obligations on a state to provide an effective remedy. The American Convention on Human Rights states “Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights . . . even though

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such violation may have been committed by persons acting in the course of their official duties.<sup>609</sup> Furthermore, state parties must ensure access to justice by a competent authority, potential judicial remedy, and effective enforcement of such remedies.<sup>610</sup>

## **Duty to Investigate**

When any of the aforementioned human rights violations have allegedly taken place, Bolivia has an obligation to fully and impartially investigate the violation in a timely manner and ensure that, should investigations confirm rights violations, those responsible are brought to justice. As the U.N. Human Rights Committee has elaborated, “A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the [ICCPR].”<sup>611</sup> Moreover, “failure to bring to justice perpetrators” of certain violations, including torture, summary and arbitrary killing, and enforced disappearance, “could in and of itself give rise to a separate breach of the Covenant.”<sup>612</sup>

The U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, known as the Minnesota Protocol, similarly mandates that states investigate all potential instances of all arbitrary killings.<sup>613</sup> Provision 9 states that:

There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.<sup>614</sup>

The Inter-American Court and Commission have also emphasized the importance of holding accountable human rights violators to prevent impunity. In the case of *Molina Theissen v. Guatemala*, for example, the Inter-American Court of Human Rights ordered Guatemala to identify, try, and punish the perpetrators of the forced disappearance of Marco Antonio Molina Theissen in 1981.<sup>615</sup> The Court subsequently welcomed the decision by a Guatemalan Court in 2018 to sentence four high-ranking members of the military for this crime, marking a major step against impunity for crimes committed even 37 years prior.<sup>616</sup> The Inter-American Commission has also been actively involved in condemning impunity in Bolivia. In November 2019, the Commission issued a statement urging Bolivia “to adopt all measures necessary to prevent impunity, to protect the right to peaceful assembly, and to take urgent action to preserve Bolivians’ lives and integrity, as well as ensuring that journalists and autonomous institutions to protect and defend human rights can do their job” in the wake of repression of demonstrations.<sup>617</sup>

## **Supreme Decree 4078**

Domestic measures that attempt to grant impunity for gross human rights violations are illegal under international law. As the U.N. Human Rights Committee has emphasized, “the problem of impunity for these violations [torture, summary and arbitrary killing, and enforced disappearance] . . . may well be an important contributing element in the recurrence of the violations.”<sup>618</sup> As a result:

[W]here public officials or State agents have committed violations of the Covenant rights referred to in this paragraph [torture, summary and arbitrary killing, and enforced disappearance], the States Parties concerned may not relieve perpetrators from personal responsibility, as has occurred with certain amnesties (see General Comment 20 (44))



and prior legal immunities and indemnities. Furthermore, no official status justifies persons who may be accused of responsibility for such violations being held immune from legal responsibility. Other impediments to the establishment of legal responsibility should also be removed, such as the defence of obedience to superior orders or unreasonably short periods of statutory limitation in cases where such limitations are applicable.<sup>619</sup>

This language is particularly relevant to Supreme Decree 4078, passed by Bolivia on November 14, 2019, which purported to absolve members of the Bolivian security forces from criminal responsibility

for actions taken to quell domestic unrest.

Decrees that provide impunity for human rights abuses also violate Articles 1.1, 2, 8, and 25 of the American Convention on Human Rights.<sup>620</sup> In *Gelman vs. Uruguay* the Inter-American Court of Human Rights found that a statute granting “amnesty and statute of limitations dispositions and exemptions from responsibility that seek to preclude criminal prosecution... are inadmissible” as violations of inalienable rights contained within the American Convention on Human Rights and the American Convention on Forced Disappearance of Persons.<sup>621</sup>

## Mariela Mamani



Fundraiser for Senkata Victims. ©2019 Thomas Becker

After the October election, 18-year-old student Jhoseline was concerned that instability might follow, so she joined other Aymara neighbors in creating a blockade in her zone of Senkata

beginning on the Saturday before Evo Morales resigned. The hope was to protect the neighborhood, including the plant, from opportunists who might take advantage of protests and an uncertain political situation to commit violence, especially against indigenous people.

On the day that Morales stepped down, she saw neighbors crying in Senkata. “Evo made mistakes, but he gave the indigenous much hope. We are scared that it will go back to how it was before. Indigenous people couldn’t walk into certain stores. They discriminated against us. We are worried it will go back to that,” a woman told her. In the weeks after Morales’s resignation, Mariela’s fear of violence was realized, first at a citizens meeting and, days later, at a protest in front of the Senkata plant.

On November 16, Mariela attended a *cabildo*, or citizens meeting, with neighbors. “Everyday people” from the zone, including babies and the elderly, were present. The neighbors aimed to develop a set of concerns to present to the government. Four police officers entered the meeting and, without announcing themselves or ordering the meeting to disperse, attacked the peo-

ple who had gathered. They gassed citizens and dragged a *señora de pollera* by her hair behind a motorbike. “We heard motorbikes and instantly gas was thrown at us. We turned and saw it was the police who did it,” Mariela explained.

Three days later, the attacks on her indigenous neighbors increased. On November 19, Mariela left for work late in the morning. When she crossed the bridge into Senkata just after midday, she saw tear gas and helicopters circling. There was a 20-year-old man lying on the ground, shot in the chest. Mariela was told soldiers were killing people. She became frightened.

Soldiers were coming from the direction of the building where Mariela worked, so she began to run, ducking to evade bullets. “I saw a group of people using a garage door from the Senkata plant as a shield. When they dropped the door and ran, the soldiers shot at them as they were running. The military took a man with his hands up. I don’t know what happened to him,” she recalled.

People were choking on gas, to the point of losing their pulse. Women arrived with homemade stretchers to help the injured. Other protestors burned tires in hopes that the smoke would clear the gas from the air.

Military officers stopped Mariela. “The soldiers yelled at us and shouted, ‘If you run, we will shoot,’” she explained. Five soldiers surrounded her and five other civilians, demanding that they kneel and ask for forgiveness. A man who refused was beaten: “[The soldiers] kept pulling him up by his hair and telling him to kneel. He was laid out on the ground but didn’t kneel...His head was bro-

ken to a pulp. His nose and other parts were all smashed.”

Mariela was terrified that she and the other women were going to be dragged into the plant by the soldiers and abused, raped, or forcibly disappeared. “All we had was our voices,” she stated, insisting that no locals had guns or dynamite. Soldiers, identifiable by their uniforms, taunted protestors with slurs. “The soldiers kept calling us racist names like ‘Indians’ and saying things like ‘We will bloody you up.’ The soldiers yelled this from the tanks,” said Mariela.

People in Senkata wondered whether bodies dragged into the plant would ever be accounted for. Mariela stated that some people she saw taken by police still had not shown up at hospitals by early December. On November 25, the Monday after the protests and civilian killings, Mariela tried to return to class. Six police officers were waiting at the high school. They had entered the building, apparently to identify students whose pictures they had taken at protests. Afraid, Mariela went back to get her books and left school.

Today, Mariela is frightened to come forward about what she saw. She has deleted the videos and photos on her phone so that that police and military do not come after her, and she has flashbacks when she encounters state forces in the street. “I will never forget what happened. I’ve never seen anything like that. When I pass the military at the market or in the street, I am frightened. It could happen at any time,” she worries. Mariela also fears that as interest in Bolivia dies down, the human rights violations in the country will increase: “I am scared that it is going to get worse when the international people aren’t here.”<sup>622</sup>

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## X. Recommendations



Indigenous groups march after Jeanine Áñez assumes power.  
©2020 Thomas Becker

### To the Interim Bolivian Government:

- Urgently investigate and ensure accountability for the killings in Sacaba and Senkata and other human rights violations carried out by state actors since the interim government came to power.
- Ensure that the Bolivian Armed Forces and police abide by international principles on the use of force that protect the right to life and physical integrity of protesters.
- Refrain from passing immunity laws or decrees that shield perpetrators of human rights violations from accountability. Laws that purport to do so, such as Supreme Decree 4078, are invalid under international law. Those who commit human rights violations must be prosecuted.
- Provide additional resources to the public prosecutor so that the prosecutors are able to thoroughly and independently investigate the alleged massacres and other instances of state violence against protesters.
- Order security forces, both military and police, to cooperate with investigations by the public prosecutor, as required under national law.
- Ensure that security forces, both military and police, cease all forms of witness intimidation and guarantee that witnesses will not be subject to reprisals for providing testimony.
- Investigate all allegations of arbitrary arrest, planting false evidence on detainees, and mistreatment. Those who have been illegally charged under such circumstances should be released and exonerated, and those who have suffered arbitrary detention or mistreatment, especially those who have been physically or psychologically incapacitated, should be adequately compensated.
- Immediately release all journalists, human rights defenders, and politicians arrested on charges of sedition or terrorism without adequate factual and legal basis. Issue clear, specific and binding definitions of terrorism and sedition that are in line with Bolivia's international and domestic obligations to preserve and protect the freedom of speech of its citizens.
- Respect and uphold the right of media outlets to publish without fear of repression.



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- Emphasize the illegality of para-state and vigilante groups, encourage their dissolution, and bring to justice civilians who carry out human rights violations.

## **To the Public Prosecutors:**

- Thoroughly and impartially investigate the killings in Sacaba and Senkata, as well as other instances of state violence against protesters, and prosecute those responsible.
- Institute measures to protect victims and witnesses who provide testimony about the alleged massacres and other incidents of excessive uses of forces against protesters.

## **To Health Care Providers:**

- Ensure that individuals receive medical attention free from harassment or intimidation by medical professionals or state officials. Patients should not be questioned about their politics or otherwise interrogated as a precursor to receiving treatment.

## **To UN Member States:**

- Condemn the killings carried out in Sacaba and Senkata, and demand a thorough and impartial investigation into past and continuing human rights violations in Bolivia.
- Withhold any economic or political aid that may go towards renewing or continuance of the abuses catalogued in this report and others.
- Encourage the interim government to hold open and fair elections as quickly as possible and denounce the persecution of political actors and their supporters.

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# XI. Endnotes

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39 *Barricada with María Galindo: Waldo Albarracin Recognizes an Error in His Alliance with Camacho*, *supra* note 37.

40 *Id.*

41 *Jeanine Áñez Proclaims Herself Interim President of Bolivia*, Aristegui Noticias, Nov. 12, 2019, <https://aristeguinoticias.com/1211/mundo/jeanine-anez-se-declara-presidenta-interina-de-bolivia/>; *Jeanine Áñez Appoints Herself President of Bolivia: No Quorum*, TelesurTV, Nov. 12, 2019, <https://www.telesurenglish.net/news/Jeanine-Anez-Appoints-Herself-President-of-Bolivia-20191112-0011.html>.

42 See, e.g., *Jeanine Áñez Appoints Herself President of Bolivia: No Quorum*, *id.*; Sylvia Colombo, *Déjà vu in Bolivia: Áñez Wants to be Like Evo*, NY Times Opinion, Feb. 3, 2020, <https://www.nytimes.com/es/2020/02/03/espanol/opinion/bolivia-evo-anez.html>.

43 See *Jeanine Áñez Appoints Herself President of Bolivia: No Quorum*, *supra* note 41.

44 See Luis Andres Henao, *Bolivia Caught in a Power Struggle Between Áñez at Home and Morales in Exile*, PBS News, Nov.



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14, 2019, <https://www.pbs.org/newshour/world/bolivia-caught-in-a-power-struggle-between-anez-at-home-and-morales-in-exile>.

45 See Kurmanav, *supra* note 4.

46 *Bolivia's Caretaker President Añez Says Will Run in May Election*, Al Jazeera, Jan. 25, 2020, <https://www.aljazeera.com/news/2020/01/bolivia-caretaker-president-anez-run-election-200125014137523.html>.

47 *The International Politics of Añez: She Announced the Exit of Bolivia from ALBA, Unasur, and Broke Relations with Venezuela*, Latinoamérica Piensa, Nov. 15, 2019, <https://latinoamericapiensa.com/la-politica-internacional-de-anez-anuncio-la-salida-de-bolivia-del-alba-de-la-unasur-y-rompio-relaciones-con-venezuela/21065/>.

48 Norberto Paredes, *How Venezuelans Are Becoming the Scapegoat Throughout the Protests in South America*, BBC News, Nov. 28, 2019, <https://www.bbc.com/mundo/noticias-america-latina-50559187>.

49 *The International Politics of Añez: She Announced the Exit of Bolivia from ALBA, Unasur, and Broke Relations with Venezuela*, *supra* note 47; see also Paredes, *id.*

50 See *Añez Government Decides to Withdraw Bolivia from ALBA-TCP and Hopes for the same with UNASUR*, RC Bolivia, Dec. 2019, <https://rcbolivia.com/el-gobierno-de-anez-decide-retirar-a-bolivia-de-alba-tcp-y-pretende-lo-mismo-con-unasur/>; *Añez Announces that Bolivia is Breaking Relations with Venezuela and Leaving the ALBA*, La Voz, Nov. 15, 2019, <https://www.lavoz.com.ar/mundo/anez-anuncia-que-bolivia-rompe-relaciones-con-venezuela-y-que-deja-alba>.

51 Marc Margolis, *Bolivia's Acting President Has Toxic Ambitions*, Bloomberg Opinion, Feb. 5, 2020, <https://www.bloomberg.com/opinion/articles/2020-02-05/bolivia-s-acting-president-has-toxic-ambitions/>.

52 *Id.*

53 See e.g. Lucien Chauvin, *As the U.S.-Backed government in Bolivia Unleashes a Wave of Political Persecution, the Trump Administration Remains Silent*, The Washington Post, Mar. 6, 2020, [https://www.washingtonpost.com/world/the\\_americas/as-the-us-backed-government-in-bolivia-unleashes-what-many-see-as-political-persecutions-the-trump-administration-remains-silent/2020/03/06/542b828c-5751-11ea-8efd-0f904bdd8057\\_story.html](https://www.washingtonpost.com/world/the_americas/as-the-us-backed-government-in-bolivia-unleashes-what-many-see-as-political-persecutions-the-trump-administration-remains-silent/2020/03/06/542b828c-5751-11ea-8efd-0f904bdd8057_story.html); Simeon Tegel, *In Bolivia, Evo Morales May Be Gone, But Charges of Autocracy Remain*, U.S. News, May 1, 2020, <https://www.usnews.com/news/best-countries/articles/2020-05-01/interim-bolivian-president-accused-of-same-autocratic-style-as-evo-morales>; *Strong Criticism of Añez in International Media*, Los Tiempos, Feb. 8, 2020, <https://www.lostiempos.com/actualidad/pais/20200208/duras-criticas-anez-medios-internacionales>; Daniel Ramos, *Añez's Candidacy In Bolivia Unleashes Criticism And Divides Opponents Of Morales*, Reuters, Jan. 27, 2020, <https://lta.reuters.com/articulo/bolivia-politica-idLTAKBN1ZQ1WB>.

54 IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, Sacaba, Bolivia, Nov. 15, 2019.

55 See Carwil Bjork-James, *Mass Protest and State Repression in Bolivian Political Culture: Putting the Gas War and the 2019 Crisis in Perspective*, May 2020, [http://hrp.law.harvard.edu/wp-content/uploads/2020/05/CBjork-James\\_20\\_003-1.pdf](http://hrp.law.harvard.edu/wp-content/uploads/2020/05/CBjork-James_20_003-1.pdf).

56 For example, during peaceful protests of around 250 local residents in Zona Sur on November 10 and 11, 2019, security forces killed five people including Percy Romer Conde Noguera, Beltran Condori Aruni, Juan Martin Felix Taco, and two others who remain unidentified at this time, according to eyewitness interviews. (IHRC Interview with Lucia Amelia Conde, Zona Sur, Bolivia, Mar. 10, 2020; IHRC Interview with Placido Aruni, Zona Sur, Bolivia, Mar. 10, 2020; IHRC Interview with Celedonio Ramirez, Zona Sur, Bolivia, Mar. 10, 2020; IHRC Interview with Frida Beatrice Conde Noguera, Senkata, Bolivia, Jan. 18, 2020; IHRC Interview with Javier Pacheco, Zona Sur, Bolivia, Mar. 2, 2020). For information on those killed in the aftermath of the October 20, 2019 elections see also IACHR, *supra* note 12.

Locals reported seeing multiple police trucks as well as many police officers and soldiers at the protest “mixed and working together.” Police shot Javier Pacheco, a construction worker in Zona Sur, that day. Javier was on his way home when he walked past the protest. He was not “with the protest even for a second,” but police shot him. Javier asked the police why they shot him, but they instead blamed the military, insisting that they only use tear gas. Others were severely injured by live rounds reportedly shot by the police, including 27-year-old Javier Pacheco. (IHRC Interview with Javier Pacheco, Zona Sur, Bolivia, Mar. 2, 2020). According to one witness, the official lists of injured and deceased only include those who went to the hospital, but some have not “because of fear.” (IHRC Interview with Placido Aruni, Zona Sur, Bolivia, Mar. 10, 2020).

Similarly, in El Alto on November 11, 2019, security personnel employed excessive, indiscriminate force and injured innocent civilians observing the protests, according to eyewitness interviews. (IHRC Interview with Javier Pacheco, Zona Sur, Bolivia, Mar. 2, 2020; IHRC Interview with Frida Beatrice Conde Noguera, Senkata, Bolivia, Jan. 18, 2020; IHRC Interview with Favio Quispe Arpazi, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Cipriano Rogelio Chapeton Corina, Senkata, Bolivia, Dec. 12, 2019). For example, police shot and seriously injured Favio Quispe Arpazi, 33, as he searched for medical supplies for his daughter. (IHRC Interview with Favio Quispe Arpazi, Senkata, Bolivia, Dec. 12, 2019).

Multiple victims lamented the lack of progress in the investigation. (IHRC Interview with Placido Aruni, Zona Sur, Bolivia, Mar. 10, 2020; IHRC Interview with Alicia Pacheco, Zona Sur, Bolivia, Mar. 10, 2020; IHRC Interview with Javier Pacheco, Zona Sur, Bolivia, Mar. 2, 2020). The brother of one victim expressed frustration that despite his cooperation, there was no progress and the investigator had threatened to close the case. (IHRC Interview with Placido Aruni, Zona Sur, Bolivia, Mar. 10, 2020). A lawyer for

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the Zona Sur victims and their families, Celedonio Ramirez, is working with the victims on bringing a case before the Inter-American Court in order to seek justice. (IHRC Interview with Celedonio Ramirez, Zona Sur, Bolivia, Mar. 10, 2020).

57 IHRC Telephone Interview with Gerardo Puma, Mar. 6, 2020. Ten civilians who were shot on November 15 died that day or in the following days. An eleventh injured protestor, Julio Pinto, died over six months later from his injuries. *See Julio Pinto, the Tenth Victim of the Fighting in Huayllani, Dies*, La Opinión, Jun. 11, 2020, <https://www.opinion.com.bo/articulo/cochabamba/fallece-julio-pinto-decima-victima-enfrentamientos-huayllani/20200611121012772285.html>. Para-state forces killed another civilian in a similar manner a few days prior to the mass violence in Sacaba on November 15. Earlier estimates suggest lower numbers. *Bolivia Protests: Five Killed in Rally Calling for Exiled Morales' Return*, The Guardian, Nov. 15, 2019, <https://www.theguardian.com/world/2019/nov/16/bolivia-protests-five-killed-in-rally-calling-for-exiled-moraless-return>. *See* IACHR, *supra* note 12.

58 The most comprehensive data collection was carried out by the Ombudsman's Office, which concluded the number of wounded was 122, but since they gathered their data, two of the injured died, Office of the Ombudsman of Bolivia, *Violation of Human Rights Following the 2019 Electoral Process (Forthcoming)*, 2020. *See also* IHRC Interview with Margarita Solis, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Andres Flores, Cochabamba, Bolivia, Nov. 17, 2019. Interim minister Justiniano confirmed deaths during a joint military-police operation to local journalists and other sources say 100 people were wounded. *See, e.g.,* Carwil Bjork-James, *Bolivia Enters Nightmare Scenario with Sacaba Massacre, Impunity Decree, Threatened Detentions of MAS-IPSP Leadership*, Blog: Carwil Without Borders, Nov. 17, 2019, <https://woborders.blog/2019/11/17/nightmare-scenario/>.

59 IHRC Telephone Interview with David Inca, El Alto, Bolivia, Apr. 16, 2020. For the most recent victims who were not included in the Ombudsman's Report, *see Julio Pinto, the Tenth Victim of the Fighting in Huayllani, Dies, supra* note 57; IHRC Telephone Interview with Gerardo Puma, *supra* note 57.

60 The IHRC met protestors the day of the Sacaba killings in an undisclosed location. In that location, there were injured people who never went to the hospital, fearing that the government would retaliate against them. Accordingly, they were not included in the final list of casualties that day. *See* IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54.

61 IHRC Interview with Colonel Nestor Villca, Cochabamba, Bolivia, Dec. 11, 2019; *See also* IHRC Telephone Interview with Ricardo Leclere, Sacaba, Bolivia, Mar. 4, 2020.

62 *See* IACHR, *supra* note 12.

63 *Murillo Assures That the Shots in Sacaba Came Out of the Coca Leaf Grower Protest March*, Los Tiempos, Nov. 16, 2019, <https://www.lostiempos.com/actualidad/pais/20191116/murillo-asegura-que-disparos-sacaba-salieron-manifestacion-cocalera>; Maria Mena, *Crossfire Between Coca Growers and the Armed Forces Leaves at Least Six Dead*, Página Siete, Nov. 16, 2019, <https://www.paginasiete.bo/nacional/2019/11/16/fuego-cruzado-entre-cocaleros-ffaa-deja-al-menos-seis-muertos-237561.html#>.

64 IHRC Interview with Abraham Cuiza, Sacaba, Bolivia, Dec. 10, 2019.

65 *Id.* *See also* IHRC Interview with Abel Colque, Sacaba, Bolivia, Dec. 10, 2019; IHRC Interview with Nelson Cox, Sacaba, Bolivia, Dec. 10, 2019; IHRC Telephone Interview with Nelson Cox, Sacaba, Bolivia, Jun. 19, 2020; IHRC Interview with Silvia Huallpa, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Rodolfo Larico, Cochabamba, Bolivia, Nov. 16, 2019; IHRC Interview with Rolando Callapino, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Arturo Campos, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Wilmer Vedia, Cochabamba, Bolivia, Jan. 20, 2020; IHRC Interview with Nilo Pinto, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Faustino Vera, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Evaristo Huarachi, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Edwin Alejo, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Julio Vargas, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54.

66 *See* IHRC Interview with Evaristo Huarachi, *supra* note 65.

67 IHRC Interview with Margarita Solis, *supra* note 58.

68 *See* IHRC Interview with Richard Cayo, Sacaba, Bolivia, Dec. 10, 2019; IHRC Interview with Abraham Cuiza *supra* note 64; IHRC Interview with Wilmer Vedia, Cochabamba, Bolivia, Dec. 10, 2019; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Silvia Huallpa, *supra* note 65.

69 IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 65, IHRC Interview with Wilmer Vedia, *supra* note 68.

70 IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Rodolfo Larico, *supra* note 65; IHRC Interview with Julia Vallejos, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Maicol Porras, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54. Note: On several occasions, members of the IHRC witnessed the use of fireworks by protestors that went unpunished. On December 5, 10, and 11 and January 4, 6, 14, 15, 17, and 22, the Clinic witnessed pro-Áñez protestors set off *petardos* in front of police, who allowed them to use of the fireworks. In the past, IHRC members have seen the use of *petardos* in hundreds of protests in Bolivia, which state forces have permitted.

71 Bret Gustafson, *New Languages of the State: Indigenous Resurgence and the Politics of Knowledge in Bolivia*, Duke University Press (2009) at 6.

72 IHRC Interview with Julia Vallejos Villaroel, *supra* note 70.

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73 IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Samuel Reyes, Sacaba, Bolivia, Dec. 9, 2019; IHRC Interview with Silvia Huallpa, *supra* note 65; IHRC Interview with Wilfredo Zubieta, Sacaba, Bolivia, Jan. 20, 2020.

74 See IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Wilmer Vedia *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Oscar Torrez, Cochabamba, Bolivia, Dec. 9, 2019 (declaring to have seen more than 50 soldiers); IHRC Interview with Silvia Huallpa, *supra* note 65; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Domingo Morales, Nov. 16, 2019; IHRC Interview with Colonel Nestor Villca, *supra* note 61.

75 IHRC Interview with Abel Colque, *supra* note 65. See also IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Domingo Morales, *supra* note 74; Interview with Richard Cayo *supra* note 68; IHRC Interview with Rosmery Auca, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Dionisio Gamarra, Cochabamba, Bolivia, Nov. 16, 2019; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Colonel Nestor Villca, *supra* note 61.

76 IHRC Interview with Rodolfo Larico, *supra* note 65; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Porfirio Ramirez, Sacaba, Bolivia, Jan. 21, 2020 (noting that Neptune tanks used their ability to shoot water to clean up blood splatter); IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Colonel Nestor Villca, *supra* note 61; IHRC Interview with Arturo Campos, *supra* note 65; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Victoria Ponce, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Rosmery Auca, *supra* note 75.

77 See IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Abraham Cuiza, *supra* note 64 (estimating 80 meters); IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Rafael Chavez, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Rodolfo Larico, *supra* note 65; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Germán Sirani, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Rosmery Auca, *supra* note 75; IHRC Interview with Susana Morales, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Hilda Copa, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Victoria Ponce, *supra* note 76; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Anonymous Vendor in Sacaba, Sacaba, Bolivia, Nov. 16, 2019; IHRC Interview with Anonymous Woman in Sacaba, Nov. 16, 2019; IHRC Interview with Evaristo Huarachi, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 68. See generally Bjork-James, *supra* note 58 (for background information on the protest).

78 IHRC Interview with Edwin Alejo, *supra* note 65.

79 See also IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Gregoria Siles Villaroel, Sacaba, Bolivia, Dec. 9, 2019; IHRC Interview with IHRC Interview with Gregoria Siles Villaroel, Sacaba, Bolivia, Jan. 21, 2019; Wilfredo Zubieta, *supra* note 73; IHRC Interview with Hilda Copa, *supra* note 77; IHRC Interview with Colonel Nestor Villca, *supra* note 61.

80 IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Richard Cayo, *supra* note 68.

81 See IHRC Interview with Victoria Ponce, *supra* note 76; IHRC Interview with Hilda Copa, *supra* note 77.

82 IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Germán Sirani, *supra* note 77; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Ivan Panozo, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Silvia Huallpa, *supra* note 65.

83 *Bolivia Protests: Five Killed in Rally Calling for Exiled Morales' Return*, *supra* note 57. See also IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Oscar Torrez *supra* note 74; IHRC Interview with Gregoria Siles Villaroel, *supra* note 79; IHRC Interview with Rosmery Auca, *supra* note 75; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Ivan Panozo, *supra* note 82; IHRC Interview with Domingo Morales, *supra* note 74; IHRC Interview with Julia Vallejos, *supra* note 70.

84 See IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Wilfredo Zubieta, *supra* note 73.



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85 See IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Rosmery Auca, *supra* note 75; IHRC Interview with Susana Levano, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Hilda Copa, *supra* note 77; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Evaristo Huarachi, *supra* note 65.

86 See IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Rosmery Auca, *supra* note 75.

87 See e.g., IHRC Interview with Victoria Ponce, *supra* note 76; IHRC Interview with Vethy Chura, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Hilda Copa, *supra* note 77.

88 See IHRC Interview with Nilo Pinto, *supra* note 65.

89 *Bolivia Protests: Five Killed in Rally Calling for Exiled Morales' Return*, *supra* note 57. See also IHRC Interview with Gregoria Siles Villaroel, *supra* note 79; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Victoria Ponce, *supra* note 76; IHRC Interview with Sandra Ledezma, Sacaba, Bolivia, Jan. 21, 2020; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Juana Zarate, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Rosmery Auca, *supra* note 75; IHRC Interview with Susana Levano, *supra* note 85; IHRC Interview with Elvira Herbas, Sacaba, Bolivia, Jan. 21, 2020.

90 See IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Arturo Campos, *supra* note 65.

91 See IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Oscar Torrez, *supra* note 74; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Rolando Callapino, *supra* note 65; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Ivan Panozo, *supra* note 82; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Sandra Ledezma, *supra* note 89; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Dionisio Gamarra, *supra* note 75; IHRC Interview with Arturo Campos, *supra* note 65; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54; IHRC Interview with Margarita Solis, *supra* note 58.

92 See IHRC Interview with Samuel Reyes, *supra* note 73.

93 See IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Oscar Torrez, *supra* note 74 (estimating shooting lasted until around 6:00 p.m.).

94 See IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Domingo Morales, *supra* note 74.

95 See IHRC Interview with Gregoria Siles Villaroel, *supra* note 79; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 65.

96 IHRC Interview with Dionisio Gamarra, *supra* note 75.

97 See IHRC Interview with Gregoria Siles Villaroel, *supra* note 79.

98 IHRC Interview with Rodolfo Larico, *supra* note 65.

99 *Id.*

100 IHRC Interview with Rosmery Auca, *supra* note 75.

101 See Bjork-James, *supra* note 58. See also IHRC Interview with Colonel Nestor Villca, *supra* note 61; *Murillo Assures That the Shots In Sacaba Came Out Of The Coca Leaf Grower Protest March*, *supra* note 63.

102 IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Evaristo Huarachi, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Rodolfo Larico, *supra* note 65.

103 See IHRC Interview with Nelson Cox, *supra* note 65; IHRC Interview with Colonel Nestor Villca, *supra* note 61.

104 *Planimetry Will Establish the Origin of Shots in Sacaba*, Los Tiempos, Nov. 23, 2019, <https://www.lostiempos.com/actualidad/pais/20191123/estudio-planimetria-establecera-origen-disparos-sacaba>. See also IHRC Interview with Colonel Nestor Villca, *supra* note 61.

105 Jon Lee Anderson, *The Fall of Evo Morales*, The New Yorker, Mar. 16, 2020, <https://www.newyorker.com/magazine/2020/03/23/the-fall-of-evo-morales>.

106 IHRC Interview with Anonymous Former Soldier 1, La Paz, Bolivia, Mar. 9, 2020. See also IHRC Telephone Interview with Anonymous Former Soldier 2, La Paz, Bolivia, May 25, 2020; IHRC Interview with Kathryn Ledebur, Cochabamba, Bolivia, Jan. 19, 2020; IHRC Interview with Nelson Cox, *supra* note 65.

107 See IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Rodolfo Larico, *supra* note 65; IHRC Interview with Rolando Callapino, *supra* note 65; IHRC Interview with Hilda Copa, *supra*

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note 77.

108 *Planimetry Will Establish the Origin of Shots in Sacaba*, *supra* note 104.

109 *IDIF Decides Death Due to “Long Weapons” in the Nine Sacaba Victims*, Los Tiempos, Nov. 18, 2019 <https://www.lostiempos.com/actualidad/pais/20191118/idif-determina-muerte-armas-largas-nueve-victimas-sacaba>.

110 *See* IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Edwin Alejo, *supra* note 65.

111 *See* IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Richard Cayo, *supra* note 68.

112 *See* IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Oscar Torrez, *supra* note 74; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Rafael Chavez, *supra* note 77; IHRC Interview with Rosmery Auca, *supra* note 75; IHRC Interview with Adelia Soto, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Marisol Villca, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Ivan Panozo, *supra* note 82; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Dionisio Gamarra, *supra* note 75; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Anonymous Woman in Sacaba, *supra* note 77 Cochabamba, Bolivia, Nov. 16, 2019; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54.

113 *See* IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Richard Cayo, *supra* note 68.

114 *See* IHRC Interview with Abraham Cuiza, *supra* note 64. Military service in Bolivia is mandatory for all men.

115 IHRC Interview with Colonel Nestor Villca, *supra* note 61.

116 *Id.*

117 *Id.*

118 *Id.* *See also* IHRC Interview with Nelson Cox, *supra* note 65.

119 IHRC Interview with Domingo Morales, *supra* note 74; IHRC Interview with Rodolfo Larico, *supra* note 65; IHRC Interview with Julia Vallejos, *supra* note 70; IHRC Interview with Susana Levano, *supra* note 85; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54; IHRC Interview with Individuals in Second Undisclosed Location for Safety Reasons, Cochabamba, Bolivia, Nov. 17, 2019; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Telephone Interview with Ricardo Leclere, *supra* note 61; IHRC Interview with Faustino Vera, *supra* note 65; IHRC Interview with Sandra Ledezma, *supra* note 89; IHRC Interview with Ivan Panozo, *supra* note 82; IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Evaristo Huarachi, *supra* note 65; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Manuel Hinojosa, Cochabamba, Bolivia, Nov. 16, 2019; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Nelson Cox, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 68. Over 100 witnesses unanimously stated that the civilians were unarmed, but, since the Bolivian government has not responded to the IHRC’s request for information, we cannot definitively conclude that every protestor was in fact unarmed.

120 *See* Section IX.

121 *See* IHRC Interview with Abel Colque, *supra* note 65; IHRC Interview with Arturo Campos, *supra* note 65; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Evaristo Huarachi, *supra* note 65; IHRC Interview with Silvia Huallpa, *supra* note 65; IHRC Interview with Germán Sirani, *supra* note 77; IHRC Interview with Rolando Callapino, *supra* note 65.

122 *See* IHRC Telephone Interview with Gerardo Puma, *supra* note 57; *Julio Pinto, the Tenth Victim of the Fighting in Huayllani, Dies*, *supra* note 57; IACHR, *supra* note 12; Office of the Ombudsman of Bolivia, *supra* note 58.

123 *Autopsies Confirm that Nine People Died from Firearm Wounds, Opinion*, Nov. 16, 2019, <https://www.opinion.com.bo/articulo/cochabamba/autopsias-confirman-personas-murieron-armas-fuego/20191116211426737221.html>; Office of the Ombudsman of Bolivia, *supra* note 58; IHRC Telephone Interview with Gerardo Puma, *supra* note 57.

124 All facts and quotations from IHRC Interview of Gregoria Siles Villaroel, *supra* note 79.

125 IHRC Interview with Abel Colque, *supra* note 65.

126 *Id.*

127 *Id.* *See also* IHRC Interview with Abraham Cuiza, *supra* note 64; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Richard Cayo, *supra* note 68.

128 *See* IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Maicol Porras, *supra* note 70; IHRC Interview with Wilmer Vedia, *supra* note 68; IHRC Interview with Rolando Callapino, *supra* note 65; IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Evaristo Huarachi, *supra* note 65; IHRC Interview with Germán Sirani, *supra* note 77; IHRC Interview with Edwin Alejo, *supra* note 65; IHRC Interview with Arturo Campos, *supra* note 65.

129 *See* IHRC Interview with Wilmer Vedia, *supra* note 65 (Viedma Hospital); IHRC Interview with Abraham Cuiza, *supra* note

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64 (México Hospital); IHRC Interview with Rolando Callapino, *supra* note 65 (Viedma Hospital); IHRC Interview with Edwin Alejo, *supra* note 65 (private clinic).

130 See IHRC Interview with Wilmer Vedia, *supra* note 65 (Viedma Hospital); IHRC Interview with Abraham Cuiza, *supra* note 64 (Mexico Hospital); IHRC Interview with Rodolfo Larico, *supra* note 65 (Viedma Hospital); IHRC Interview with Rolando Callapino, *supra* note 65 (Viedma Hospital); IHRC Interview with Nilo Pinto, *supra* note 65.

131 See IHRC Interview with Jhonathan Rivera, Cochabamba, Bolivia, Dec. 9, 2019.

132 See IHRC Interview with Margarita Solis, *supra* note 58; IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54.

133 Supreme Decree 4078, *supra* note 1. See also Center for Justice & Accountability, *International Human Rights and Humanitarian Law Experts Urge the Bolivian Government and Armed Forces to Abide by Their International Law Obligations*, Nov. 27, 2019, <https://cja.org/wp-content/uploads/2019/11/Command-Responsibility-Use-of-Force-and-Invalid-Immunity-laws-in-BoliviaExec-summary.pdf>. James Cavallaro, one of the editors of this report, signed this letter.

134 Center for Justice & Accountability, *supra* note 133. See also IACHR (@CIDH), Twitter (Nov. 16, 2019, 2:35 PM), <https://twitter.com/CIDH/status/1195817630533390336> (“The grave decree of Bolivia is contrary to international standards of human rights and promotes violent repression.”).

135 *Bolivia Repeals Controversial Immunity Decree for Armed Forces*, Telesur, Nov. 28, 2019, <https://www.telesurenglish.net/news/Bolivia-Repeals-Controversial-Decree-Granting-Criminal-Immunity-to-Armed-Forces-20191128-0011.html>.

136 IHRC Telephone Interview with Ricardo Leclere, *supra* note 61. See also *Government Will Compensate Families of the Deceased from the Conflict with Bs 50,000*, El Potosi, Dec. 6, 2019, [https://elpotosi.net/nacional/20191206\\_gobierno-indemnizara-a-familias-de-fallecidos-en-el-conflicto-con-bs-50-mil.html](https://elpotosi.net/nacional/20191206_gobierno-indemnizara-a-familias-de-fallecidos-en-el-conflicto-con-bs-50-mil.html).

137 IHRC Telephone Interview with Ricardo Leclere, *supra* note 61. See also *The IACHR Warned That Compensation to the Victims in Bolivia Cannot Have Conditions*, Infobae, Dec. 8, 2019, <https://www.infobae.com/america/america-latina/2019/12/08/la-cidh-advirtio-de-que-las-indemnizaciones-a-las-victimas-de-bolivia-no-pueden-tener-condiciones/>.

138 IHRC Interview with Angelina Calle, Cochabamba, Bolivia, Dec. 9, 2019.

139 IHRC Interview with Gregoria Siles Villaroel, *supra* note 79.

140 IHRC Interview with Efrain Cossio, Cochabamba, Bolivia, Dec. 9, 2019.

141 IHRC Interview with Abel Colque, *supra* note 65. See also IHRC Interview with Samuel Reyes, *supra* note 73; IHRC Interview with Richard Cayo, *supra* note 68; IHRC Interview with Gregoria Siles Villaroel, *supra* note 79; IHRC Interview with Martín Sipe Merida, Cochabamba, Bolivia, Dec. 9, 2019; IHRC Interview with Freddy Talavera, Sacaba, Bolivia, Dec. 10, 2019; IHRC Interview with Julio Vargas, *supra* note 65; IHRC Interview with Wilmer Vedia, *supra* note 65; IHRC Interview with Germán Sirani, *supra* note 77; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Noemi Choque Flores, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Ana Cristina Sanchez, Sacaba, Bolivia, Jan. 20, 2020.

142 Permanent Assembly of Human Rights in El Alto and Achacachi (“APDH”), *Letter to Minister of the Interior, Concerning the Protections of Articles 13, 24, and 113 of the Political Constitution of the State, We Present Complementary Lists and Request Compliance with the Humanitarian Social Aid*, Feb. 13, 2020 (listing deaths from the killings in El Alto). In these acts, eleven people were killed by gunshots: Devi Posto Cusi, Antonio Ronald Quispe Ticona, Clemente Eloy Mamani Santander, Joel Colque Paty, Pedro Quisbert Mamani, Juan José Tenorio Mamani, Rudy Cristian Vásquez Condori, Milton David Zenteno Gironda, Edwin Jamachi Paniagua, Calixto Huanaco Aguilar, and Emilio Fernandez.

143 See IHRC Telephone Interview with David Inca, *supra* note 59; Carwil Bjork-James, *Deaths During Bolivia’s 2019 Crisis: An Initial Analysis*, Carwil Without Borders, Jan. 4, 2020, <https://woborders.blog/2020/01/04/2019-crisis-deaths-analysis/>.

144 IHRC Interview with Anonymous Official 2, Senkata, Bolivia, Jan. 17, 2020.

145 IHRC Telephone Interview with Iveth Saravia Lazate, May 20, 2020.

146 *Id.*

147 IHRC Interview with Ruben Condori, La Paz, Bolivia, Jan. 25, 2020.

148 IHRC Telephone Interview with Paola Febrero, Senkata, Bolivia, Jan. 29, 2020.

149 *Id.*

150 IHRC Interview with Erika Mamani, Senkata, Bolivia, Dec. 8, 2019. See also IHRC Interview with Iveth Saravia Lazate, Senkata, Bolivia, Dec. 6, 2019; IHRC Interview with Ruben Condori, *supra* note 147; IHRC Interview with Humberto Pacosillo, El Alto, Bolivia, Jan. 9, 2020.

151 See IHRC Interview with Yosimar Choque Flores, Senkata, Bolivia, Dec. 8, 2019; IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Mariela Mamani, Senkata, Bolivia, Dec. 6, 2019; IHRC Interview with Anonymous Hospital Worker, Senkata, Bolivia, Jan. 16, 2020; IHRC Interview with Iveth Saravia Lazate, *supra* note 150.

152 IHRC Interview with Mariela Mamani, *supra* note 151.

153 See IACHR, *supra* note 12.



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154 *Military Operations in Senkata Left 3 Dead and 30 Wounded*, TeleSur, Nov. 20, 2019, <https://www.telesurenglish.net/news/Bolivia-Military-Operation-in-Senkata-Left-3-Dead-30-Wounded-20191120-0002.html>.

155 IHRC Interview with Yosimar Choque Flores, *supra* note 151. *See also* IHRC Interview with Ruben Condori, *supra* note 147; IHRC Interview with Carlos Cornejo Colque, La Paz, Bolivia, Jan. 7, 2020.

156 *See* IHRC Interview with Erika Mamani, *supra* note 150. *See also* IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Interview with Eulogio Vasquez Cuba, Senkata, Bolivia, Jan. 18, 2020; IHRC Interview with Mariela Mamani, *supra* note 151; IHRC Telephone Interview with Paola Febrero, *supra* note 148.

157 IHRC Interview with Yosimar Choque Flores, *supra* note 151.

158 *Id.*

159 *Id.* *See also* IHRC Interview with Lucio Huanca, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Ruben Condori, *supra* note 147; IHRC Interview with Mariela Mamani, *supra* note 151.

160 IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Interview with Carola Bautista, El Alto, Bolivia, Jan. 9, 2020; IHRC Interview with Mariela Mamani, *supra* note 151.

161 IHRC Telephone Interview with Erika Mamani, *supra* note 150.

162 *Id.* *See also* IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Alison Abigail Ramirez Avendano, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Gloria Quisbert, Senkata, Bolivia, Dec. 10, 2019; IHRC Telephone Interview with Gloria Quisbert, May 18, 2020; IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Interview with Maria Cristina Quispe Mamani, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Carlos Cornejo Colque, *supra* note 155; IHRC Interview with Carola Bautista, *supra* note 160; IHRC Interview with Humberto Pacosillo, *supra* note 150.

163 *See* IHRC Interview with Lucio Huanca, *supra* note 159; IHRC Interview with Yosimar Choque Flores, *supra* note 151.

164 IHRC Interview with Lucio Huanca, *supra* note 159.

165 *Id.* *See also* IHRC Interview with Ruben Condori, *supra* note 147; IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Mariela Mamani, *supra* note 151; IHRC Interview with Maria Cristina Quispe Mamani, *supra* note 162; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Eulogio Vasquez Cuba, *supra* note 156; IHRC Interview with Erika Mamani, *supra* note 150; IHRC Telephone Interview with Lucio Huanca, Senkata, Bolivia, May 15, 2020; IHRC Interview with Gloria Quisbert, *supra* note 162; IHRC Interview with Carlos Cornejo Colque, *supra* note 155.

166 *See* IACHR, *supra* note 12; Bjork-James, *supra* note 55; IHRC Interview with Lucio Huanca, *supra* note 159; IHRC Interview with Veronica Flores Mamani, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Leticia Gomez, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Alison Abigail Ramirez Avendano, *supra* note 162; IHRC Interview with Maria Cristina Quispe Mamani, *supra* note 162; IHRC Interview with Nancy Jamachi, Senkata, Bolivia, Dec. 12, 2019; IHRC Interview with Gloria Quisbert, *supra* note 162; IHRC Interview with Natalia Huayta, Senkata, Bolivia, Dec. 12, 2019; IHRC Telephone Interview with Natalia Huayta, Senkata, Bolivia, May 21, 2020.

167 *See* IHRC Interview with Lucio Huanca, *supra* note 159.

168 IHRC Telephone Interview with Natalia Huayta, *supra* note 166.

169 IHRC Interview with Veronica Flores Mamani, *supra* note 166.

170 *Id.*

171 IHRC Interview with Yosimar Choque Flores, *supra* note 151.

172 IHRC Interview with Maria Cristina Quispe Mamani, *supra* note 162. A witness to Juan Jose's killing informed Maria that her husband saved several individuals.

173 IHRC Interview with Gloria Quisbert, *supra* note 162; IHRC Telephone Interview with Gloria Quisbert, *supra* note 162. Two witnesses informed Gloria that her brother saved the lives of nearby people.

174 IHRC Telephone Interview with Gloria Quisbert, *supra* note 162. *See also* IHRC Interview with Gloria Quisbert, *supra* note 162.

175 IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Interview with Mariela Mamani, *supra* note 151; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Erika Mamani, *supra* note 150. *See also* IHRC Interview with Anonymous Senkata Store Owner, Senkata, Bolivia, Dec. 8, 2019; IHRC Telephone Interview with Lucio Huanca, *supra* note 165; IHRC Telephone Interview with Erika Mamani, May 20, 2020; IHRC Telephone Interview with Mariela Mamani, Senkata, Bolivia, May 20, 2020; IHRC Interview with Carlos Cornejo Colque, *supra* note 155; IHRC Interview with Carola Bautista, *supra* note 160; IHRC Interview with Humberto Pacosillo, *supra* note 150.

176 IHRC Interview with Yosimar Choque Flores, *supra* note 151. *See also* IHRC Interview with Anonymous Senkata Store Owner, *supra* note 175.

177 IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Interview with Humberto Pacosillo, *supra* note 150.

178 IHRC Interview with Ruben Condori, *supra* note 147.

179 *Id.*

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180 *Id.*  
181 *Id.*  
182 *Id.* See also IHRC Interview with Humberto Pacosillo, *supra* note 150.  
183 IHRC Interview with Humberto Pacosillo, *supra* note 150; IHRC Interview with Carlos Berri, El Alto, Bolivia, Jan. 10, 2020; IHRC Interview with Carola Bautista, *supra* note 160; IHRC Interview with Andrea Tapia, El Alto, Bolivia, Jan. 10, 2020; IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Erika Mamani, *supra* note 150.  
184 IHRC Interview with Ruben Condori, *supra* note 147.  
185 IHRC Interview with Yosimar Choque Flores, *supra* note 151.  
186 IHRC Interview with Erika Mamani, *supra* note 150; IHRC Interview with Gloria Quisbert, *supra* note 162; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Alison Abigail Ramirez Avendano, *supra* note 162.  
187 IHRC Interview with Eulogio Vásquez Cuba, *supra* note 156.  
188 *Id.*  
189 IHRC Interview with Yosimar Choque Flores, *supra* note 151.  
190 *Id.*  
191 IHRC Interview with Lucio Huanca, *supra* note 159.  
192 IHRC Interview with Anonymous Hospital Worker, *supra* note 151.  
193 *Id.*  
194 IHRC Telephone Interview with Paola Febrero, *supra* note 148.  
195 IHRC Interview with Eulogio Vásquez Cuba, *supra* note 156.  
196 Medea Benjamin, “*They Are Killing Us Like Dogs*”: *Dispatches from the Ground in Bolivia*, Foreign Policy in Focus, Nov. 22, 2019, <https://fpif.org/they-are-killing-us-like-dogs-dispatches-from-the-ground-in-bolivia/>.  
197 IHRC Telephone Interview with Natalia Huayta, *supra* note 166; IHRC Telephone Interview with Nancy Jamachi, May 17, 2020; IHRC Interview with Anonymous Official 1, Senkata, Bolivia, Jan. 17, 2020; IHRC Interview with Veronica Flores Mamani, *supra* note 166; IHRC Interview with Eulogio Vásquez Cuba, *supra* note 156.  
198 *Autopsies Confirm That 8 Victims in Senkata Died from Gunshot Wounds*, El Deber, Nov. 21, 2019, [https://eldeber.com.bo/157359\\_autopsias-confirman-que-8-victimas-en-senkata-murieron-por-impacto-de-arma-de-fuego](https://eldeber.com.bo/157359_autopsias-confirman-que-8-victimas-en-senkata-murieron-por-impacto-de-arma-de-fuego); *Autopsies Confirm That Victims in El Alto Died from Gunshot Wounds*, Los Tiempos, Nov. 21, 2019, <https://www.lostiempos.com/actualidad/pais/20191121/autopsias-confirman-que-victimas-alto-murieron-impacto-arma-fuego>.  
199 IHRC Telephone Interview with Iveth Saravia Lazate, *supra* note 145.  
200 See Ministry of Defense, *Minister Fernando López Julio Gives A Press Conference*, YouTube, Nov. 19, 2019, [https://www.youtube.com/watch?v=BLCDD\\_aJu0I](https://www.youtube.com/watch?v=BLCDD_aJu0I); *Minister of Defense: The Army Did Not Shoot A Single Projectile in Senkata*, Página Siete, Nov. 19, 2019, <https://www.paginasiete.bo/nacional/2019/11/19/ministro-de-defensa-el-ejercito-no-disparo-ningun-proyectil-en-senkata-237899.html>; IHRC Interview with Nadia Cruz Tarifa, La Paz, Bolivia, Jan. 14, 2020.  
201 See *Minister of Defense on Senkata: “Not One Projectile Came from the Army,”* Correo del Sur, Nov. 11, 2019, [https://correodelsur.com/politica/20191119\\_ministro-de-defensa-sobre-senkata-no-salio-un-solo-proyectil-del-ejercito.html](https://correodelsur.com/politica/20191119_ministro-de-defensa-sobre-senkata-no-salio-un-solo-proyectil-del-ejercito.html); Ministry of Defense, *supra* note 200.  
202 Correo Del Sur, *supra* note 201. See also Ministry of Defense, *supra* note 200; IHRC Interview with Yosimar Choque Flores, *supra* note 151.  
203 Interview with Yosimar Choque Flores, *supra* note 151; IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Mariela Mamani, *supra* note 151; IHRC Interview with Anonymous Hospital Worker, *supra* note 151; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Telephone Interview with Iveth Saravia Lazate, *supra* note 145; IHRC Interview with Carlos Cornejo Colque, *supra* note 155.  
204 IHRC Interview with Mariela Mamani, *supra* note 151.  
205 *Id.*  
206 *Id.*  
207 IHRC Interview with Anonymous Official 1, *supra* note 197; IHRC Interview with Anonymous Official 2, *supra* note 144.  
208 IHRC Telephone Interview with Paola Febrero, *supra* note 148. See also IHRC Interview with Nadia Cruz Tarifa, La Paz, Bolivia, Dec. 5, 2019 stating that the people protesting were from Senkata and want the plant because it is helpful for their community.  
209 IHRC Interview with Anonymous Official 1, *supra* note 197; IHRC Interview with Anonymous Official 2, *supra* note 144.  
210 Mira Bolivia, *Brutal Repression in Senkata*, YouTube, Nov. 19, 2019, [https://www.youtube.com/watch?v=U9B2IDqH-b0&has\\_verified=1](https://www.youtube.com/watch?v=U9B2IDqH-b0&has_verified=1). See also IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Erika Mamani, *supra* note 150; IHRC Interview with Humberto Pacosillo, *supra* note 150; IHRC Interview with Carola Bautista, *supra* note 160; IHRC Interview with Andrea Tapia, *supra* note 183.

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211 IHRC Interview with Anonymous Official 1, *supra* note 197.

212 IHRC Interview with Mariela Mamani, *supra* note 151; IHRC Interview with Humberto Pacosillo, *supra* note 150. *See also* IACHR, *supra* note 12; Juan Trujillo Limones, *A Month After the Senkata Massacre, Families of the Deceased Decline Official Pay-Out and Demand Justice*, *Desinformemonos*, Dec. 24, 2019, <https://desinformemonos.org/a-un-mes-de-la-masacre-de-senkata-familiares-de-asesinados-rechazan-indemnizacion-oficial-y-exigen-justicia/>.

213 IHRC Interview with Ruben Condori, *supra* note 147.

214 IHRC Telephone Interview with Paola Febrero, *supra* note 148.

215 IHRC Interview with Yosimar Choque Flores, *supra* note 151; IHRC Telephone Interview with Gloria Quisbert, *supra* note 162; IHRC Interview with Nancy Jamachi, *supra* note 166; IHRC Interview with Iveth Saravia Lazate, *supra* note 150; IHRC Interview with Carlos Cornejo Colque, *supra* note 155.

216 IHRC Telephone Interview with Gloria Quisbert, *supra* note 162; IHRC Interview with Carlos Cornejo Colque, *supra* note 155.

217 *Children Affected by Tear Gas in a School in El Alto*, Página Siete, Mar. 5, 2020, <https://www.paginasiete.bo/seguridad/2020/3/5/ninos-fueron-afectados-por-gases-lacrimogenos-en-un-colegio-de-el-alto-248671.html>. *See also* IHRC Telephone Interview Gloria Quisbert, *supra* note 162; IHRC Telephone Interview with Iveth Saravia Lazate, *supra* note 145.

218 IHRC Telephone Interview with Gloria Quisbert, *supra* note 162.

219 Rubén Atahuichi, *De facto President Says She Defeated Social Movements in Bolivia*, *La Razon*, Mar. 5, 2020, <https://plurinacional.info/2020/03/05/presidenta-de-facto-dice-que-derroto-a-los-movimientos-sociales-de-bolivia/>.

220 IHRC Interview with Porfirio Ramirez, *supra* note 76.

221 IHRC Interview with Rosmery Auca, *supra* note 75.

222 *Id.*

223 IHRC Telephone Interview with Kathryn Ledebur, Cochabamba, Bolivia, May 10, 2020.

224 IHRC Interview with Individuals in Undisclosed Location for Safety Reasons, *supra* note 54.

225 IHRC Interview with Nilo Pinto, *supra* note 65; IHRC Interview with Nadia Cruz Tarifa, *supra* note 208; IHRC Interview with Nelson Cox, *supra* note 65.

226 IHRC Interview with Nilo Pinto, *supra* note 65.

227 *Id.*

228 *IDIF Performs Field Study in Huayllani for Death of Cocaleros*, Página Siete, Jan. 21, 2020, <https://www.paginasiete.bo/seguridad/2020/1/21/idif-realiza-pericias-en-huayllani-por-muerte-de-cocaleros-244131.html>.

229 IHRC Interview with Colonel Nestor Villca, *supra* note 61; IHRC Interview with Noemi Choque Florez, *supra* note 141; IHRC Interview with Felipa Lopez, Sacaba, Bolivia, Jan. 20, 2020; IHRC Interview with Ana Cristina Sanchez, *supra* note 141; IHRC Interview with Wilfredo Zubieta, *supra* note 73; IHRC Interview with Andres Flores, *supra* note 58.

230 IHRC Interview with Colonel Nestor Villca, *supra* note 61; IHRC Interview with Edgar Callizaya, La Paz, Bolivia, Nov. 16, 2019; IHRC Interview with Franco Albarracin, La Paz, Bolivia, Dec. 18, 2019.

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237 Bjork-James, *supra* note 55 at 27 (“November 2019 alone proved to be the bloodiest month in sixteen years, and the third deadliest month of the democratic era.” Additionally, November 2019 was the second deadliest month in terms of killings of civilians by state forces since the transition to democracy.)

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437 IHRC Interview with Anonymous Hospital Worker, *supra* note 151. *See also* IHRC Interview with Rolando Callapino, *supra* note 65 (where he states that similar took place in Sacaba).

438 IHRC Interview with Anonymous Hospital Worker, *supra* note 151.

439 *Id.*

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441 IHRC Interview with Carlos Cornejo Colque, *supra* note 155.

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445 IHRC Interview with Cristian Calle Frauz, *supra* note 444.

446 *Id.*

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449 IHRC Telephone Interview with Alessandra Saavedra, Bolivia, Apr. 11, 2020.

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460 IHRC Interview with Raisa Valda, *supra* note 387.

461 IHRC interview with Ariel Duranböger, *supra* note 32.

462 IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386. See also IHRC Interview with Frida Conde, *supra* note 287 (stating that members of the “Resistance” stopped her from walking through the streets and demanded her identification).

463 IHRC Telephone Interview with Patricia Arce, Vinto, Bolivia, Feb. 27, 2020.

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472 IHRC Interview with Estefany Murillo, *supra* note 386.

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480 Mena, *supra* note 478.

481 *Id.*

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483 See IHRC Interview with Kathryn Ledebur, *supra* note 106; Mena, *supra* note 478.

484 See IHRC Interview with Kathryn Ledebur, *supra* note 106; IHRC Interview with Estefany Murillo, *supra* note 386; IHRC Interview with Nelson Cox, *supra* note 65; IHRC Interview with Andres Huanca Rodriguez, *supra* note 389; IHRC Interview with Raisa Valda, *supra* note 387; Mena, *supra* note 478.

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497 IHRC Interview with Estefany Murillo, *supra* note 386; IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386; IHRC Interview with Raisa Valda, *supra* note 387; IHRC Interview with Andres Huanca Rodriguez, *supra* note 389; IHRC Interview with Mariel Rios Velasco, *supra* note 387.

498 IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386.

499 *Id.*

500 IHRC Interview with Estefany Murillo, *supra* note 386; IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386; IHRC Interview with Raisa Valda, *supra* note 387; IHRC Interview with Andres Huanca Rodriguez, *supra* note 389; IHRC Interview with Mariel Rios Velasco, *supra* note 387.

501 IHRC Interview with Mariel Rios Velasco, *supra* note 387.

502 *Id.* See also IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386.

503 See IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386.

504 IHRC Interview with Wilmer Vedia, *supra* note 65.

505 Both the IACHR and the Ombudsman’s Office documented an increase on racist acts, with the latter recording dozens of racist and discriminatory acts in the weeks after the interim-government took power. See IACHR, *supra* note 12.

506 IHRC Interview with Humberto Pacosillo, *supra* note 150.

507 Áñez’ has since deleted many of her posts but they are available on the online archiving platform Wayback Machine and other online depositories. See e.g., Valentina de Marval and Bruno Scelza, *Did Bolivia’s Interim President Delete Anti-Indigenous Tweets?*, AFP Fact Check, Nov. 15, 2019, <https://factcheck.afp.com/did-bolivias-interim-president-delete-anti-indigenous-tweets>.

508 Jeanine Áñez Chavez (@JeanineAnez), Twitter (Nov. 6, 2019, 3:56 AM), <https://web.archive.org/web/20191113024420/https://twitter.com/JeanineAnez/status/1192048025998446593?s=20> (questioning the indigenous identity of 5 men for wearing jeans and sneakers).

509 Jeanine Áñez Chavez (@JeanineAnez), Twitter (June 20, 2013, 1:15 PM), <https://web.archive.org/web/20191113002729/https://twitter.com/JeanineAnez/status/347734496273113088> (referring to those celebrating the Aymara new year as satanic).

510 Jeanine Áñez Chavez (@JeanineAnez), *supra* note 425.

511 Brady McCombs, *Bolivia Religious Debate: The Bible vs. Andean Earth Deity*, AP News, Jan. 24, 2020, <https://apnews.com/5b2c57adfe878163be4b0288890d7bf3>.

512 See Kurmanae, *supra* note 4.

513 Chauvin, *supra* note 53.

514 See Sputnik, *Bolivian Foreign Ministry Backtracks on Its Order on Formal and Western Clothing*, El Pais, Dec. 9, 2019, <https://www.elpais.cr/2019/12/09/cancilleria-boliviana-da-marcha-atras-en-orden-de-vestimenta-formal-y-occidental/>.

515 See Nick Estes, *What the Coup Against Evo Morales Means to Indigenous People Like Me*, The Guardian, Nov. 14, 2019, <https://www.theguardian.com/commentisfree/2019/nov/14/what-the-coup-against-evo-morales-means-to-indigenous-people-like-me>.

516 Embassy La Paz, *Bolivia Forecast: Leading Up To May 4*, Wikileaks Cable 08LAPAZ693, Mar. 28, 2018, <http://w1.1-s.es/cable/2008/03/08LAPAZ693.html>.

517 See Martin Cuneo, *Burning of Indigenous Flags Radicalizes the Conflict in Bolivia*, El Salto, Nov. 12, 2019, <https://www.elsaltodiario.com/bolivia/la-quema-de-banderas-indigenas-radicaliza-el-conflicto-en-bolivia>.

518 Andean Information Network (@AndeanInfoNet), Twitter (Oct. 31, 2019, 1:52 PM), <https://twitter.com/andeaninfonet/status/1189963356209328128?lang=en> (“Santa Cruz Youth Union adopts Nazi salute after their leader questioned about burning down of MAS party headquarters.”).

519 See e.g., IHRC Interview with Rosmery Auca, *supra* note 75 (“I heard soldiers yell at the women ‘peasants what are you doing here? Go cook.’”); IHRC Interview with Andrea Bustillos, *supra* note 384 (“I heard police calling people ‘peasants’ and

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'Ilokallas.' They said 'there are 15 Indians outside.')

520 IHRC Interview with Julio Vargas, *supra* note 65.

521 IHRC Interview with Rodolfo Larico, *supra* note 65.

522 IHRC Interview with Mariela Mamani, *supra* note 151.

523 *Id.*

524 *See, e.g.,* Dan Collyns, *Bolivia president's initial indigenous-free cabinet heightens polarization*, The Guardian, Nov. 14, 2019, <https://www.theguardian.com/world/2019/nov/14/bolivia-president-jeanine-anez-cabinet-indigenous>; IHRC Interview with Anonymous Hospital Worker, *supra* note 151.

525 IHRC Interview with Andrea Tapia, *supra* note 183.

526 IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386.

527 IHRC Interview with Humberto Pacosillo, *supra* note 150.

528 IHRC Interview with Estefany Murillo, *supra* note 386; IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386; IHRC Interview with Raisa Valda, *supra* note 387; IHRC Interview with Andres Huanca Rodriguez, *supra* note 389; IHRC Interview with Mariel Rios Velasco, *supra* note 387.

529 IHRC Interview with Mariel Rios Velasco, *supra* note 387.

530 *Id.*

531 IHRC Interview with Jorge Daniel Solis Ovidio, *supra* note 386.

532 *Id.*

533 IHRC Interview with Raisa Valda, *supra* note 387.

534 IHRC Interview with Andres Huanca Rodriguez, *supra* note 389.

535 *Id. See also* Noticias Bolivia, *Motoqueros Brutally Attack Citizens of Cochabamba in the Regional Legislative Assembly*, YouTube, Dec. 19, 2019, <https://www.youtube.com/watch?v=UC16mxWC1tQ>.

536 IHRC Telephone Interview with Paola Febrero, *supra* note 148; IHRC Interview with Felipa Lopez, *supra* note 229; IHRC Interview with Kathryn Ledebur, *supra* note 106.

537 IHRC Interview with Kathryn Ledebur, *supra* note 106.

538 Rodriguez, *supra* note 494.

539 Political Constitution of the State, *supra* note 3.

540 The Bolivian Constitution specifically embeds international norms into its domestic legal architecture, holding, "international treaties and instruments in matters of human rights that have been signed and/or ratified... that declare rights more favorable than those contained in the Constitution, shall have preferential application in this Constitution." *Id.* at art. 256. Moreover, ratified international treaties have primacy over national laws or regulations. *Id.* at art. 410 (II).

541 *Id.* at art. 15. *See also* Penal Code, Plurinational State of Bolivia, Dec. 20, 2017, <https://www.lexivox.org/norms/BO-L-N1005.html>. The Bolivian Penal Code reflects this right to life through its criminalization of aggravated homicide, which is classified as a homicide that is carried out with racist motivation, when a victim is unable to defend himself or herself, with deceptive methods, or when the killing results in a victim count of two or more people (art. 84). The Penal Code also criminalizes the infliction of grave and minor injuries (art. 94).

542 G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948), art. 3.

543 U.N. Treaty Collection, *Status of ICCPR*, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en).

544 G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966), art. 6(1). The Human Rights Committee has affirmed the rigid nature of the right, asserting that the right to life is "the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threatens the life of the nation." Human Rights Committee, General Comment No. 36, CCPR/C/GC/36, para. 2.

545 *In re Hirota and Others*, 15 ANN. DIG. & REP. OF PUB. INT'L L. CASES 356, 364 (Int'l Mil. Trib. for the Far East, 1948) (no. 118, Tokyo trial). *See also* Yoram Dinstein, *War, Aggression, and Self-Defense*, Cambridge University Press (2d ed. 1994), at 181 ("This postulate [from Hirota] may have always been true in regard to domestic law, and it is currently accurate also in respect of international law... [T]he right of self-defence will never be abolished in the relations between flesh-and-blood human beings.").

546 Organization of American States, American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 114 U.N.T.S. 123.

547 *Id.* at art. 4.

548 *Escué Zapata v. Colombia*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 165, para. 40, (July 4, 2007). As such, the Court holds that the right to life does not merely involve the "negative" obligation not to deprive a person from life, but also "positive" obligations to "adopt all appropriate measures to protect and preserve the right to life." *Myrna Mack Chang v. Guatemala*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 101, para. 2 (Nov. 25, 2003).

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- 549 *Las Palmeras v. Colombia*, Preliminary Objections, Inter-Am. Ct. H.R. (ser. C) No. 67, (Feb. 4, 2000).
- 550 *Aloeboetoe, et al. v. Suriname*, Inter-Am. Ct. H.R. (ser. C) No. 15, (Sep. 10, 1993).
- 551 *Yakye Axa Indigenous Community v. Paraguay*, Inter-Am. Ct. H.R. (ser. C) No. 125, (Jun. 17, 2005).
- 552 Political Constitution of the State, *supra* note 3 at art. 21.
- 553 ICCPR, *supra* note 544 at art. 21.
- 554 *Id.*
- 555 G.A. Res. 34/169, United Nations Code of Conduct for Law Enforcement Officials (Dec. 17, 1979), art. 3.
- 556 Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Basic Principles on the Use of Force and Firearms by Law Enforcement Official, U.N. Doc. A/CONF.144/28/Rev.1, at princ. 4 (Sep. 7, 1990).
- 557 *Id.* at princ. 5(a).
- 558 *Id.* at princ. 13. Principle 9 illustrates the limited circumstances when force may be used: “Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.” *Id.* at princ. 9. If lethal force is used under the circumstances described in Principle 9, then law enforcement officers must identify themselves and announce their intent to use their weapons, giving people time to observe the warning, “unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.” *Id.* at princ. 10.
- 559 American Convention on Human Rights, *supra* note 546.
- 560 Inter-American Commission on Human Rights, *Report on the Compatibility of ‘Desacato’ Laws with the American Convention on Human Rights*, OEA/Ser. L/V/II.88, doc. 9 rev., 212 (Feb. 17, 1995).
- 561 Constitutional Court of Colombia, Decision T-456-92, Jul. 14, 1992.
- 562 Political Constitution of the State, *supra* note 3 at art. 21.
- 563 *Id.* at Title II, Chapter III, Section II. Title II, Chapter VII of the Constitution also guarantees the right to social communication, specifically “the right of Bolivians to freedom of expression, opinion and information, to rectification and reply, and the right to freely publish ideas by whatever means of dissemination, without prior censorship.” *Id.* at Title II, Chapter VII.
- 564 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, *supra* note 556 at art. 19(2).
- 565 *Id.* at art. 19(3).
- 566 Human Rights Committee, General Comment No. 34, CCPR/C/GC/34, para. 35. The ICCPR provides further protections for freedom of expression in Article 17, which states, “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.” ICCPR, *supra* note 544 at art. 17(1).
- 567 Inter-American Commission on Human Rights, *Declaration of Principles on Freedom of Expression*, OEA/Ser.L/V/1.4.rev.11 (January 31, 2005).
- 568 *Baruch Ivcher Bronstein vs. Peru*, Inter-Am. Ct. H.R. (ser. C) No. 74, (Feb. 6, 2001) (where a nationalized citizen petitioner owned a critical media outlet and had citizenship and control of the channel revoked).
- 569 *Granier et al. (Radio Caracas Televisión) v. Venezuela*, Inter-Am. Ct. H.R. (ser. C) No. 293, (Jun. 22, 2015).
- 570 *Case of Vélez Restrepo and Family v. Colombia*, Inter-Am. Ct. H.R. (ser. C) No. 248, (Sep. 3, 2012). As the Special Rapporteur for Freedom of Expression of the Inter-American Commission and the United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression have further asserted that the State “. . . has the duty to ensure that journalists and media workers reporting on public demonstrations are not arrested, threatened, assaulted, or limited in any manner in their rights as a result of practicing their profession. Their work materials and tools must not be destroyed or confiscated by the authorities.” United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights, *Joint Declaration On Violence Against Journalists And Media Workers In The Context Of Protests*, OAS, Sep. 13, 2013, <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=951&IID=2>.
- 571 Penal Code, *supra* note 541 at art. 3.
- 572 *Id.* at arts. 140-141 (The enumerated categories include race, national or ethnic origin, color, ancestry, belonging to indigenous peoples or to the Afro-Bolivian people, sex, age, gender identity, sexual orientation, cultural identity, family affiliation, nationality, citizenship, language, religious creed, ideology, political or philosophical opinion, marital status, economic or social condition, illness, type of occupation, educational level, different abilities or physical, intellectual or sensory disabilities, state of pregnancy, regional origin, physical appearance and clothing.)
- 573 *Id.* at art. 142.
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574 ICCPR, *supra* note 544 at art. 26.

575 *Id.* at art. 20 (2).

576 *Id.* at art. 26. Specific groups enjoy further protections under international law. As a party to the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”), which Bolivia ratified in 1990, Bolivia must ensure that women be protected against discrimination. Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1978, 1249 U.N.T.S. 13, U.N. Doc. A/34/180. Additionally, Bolivia must provide protections to its indigenous populations. Article 2 of the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) states that indigenous peoples and individuals “have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (Sept. 13, 2007) A/61/L.67 and Add.1 (2007), art. 2. Furthermore, the UNDRIP enshrines indigenous people’s right “to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.” *Id.* at art. 15. While the UNDRIP is a non-binding UN General Assembly Resolution, Bolivia voted in favor of its passing, and in 2007, the Bolivian Congress incorporated the 46 articles of the UNDRIP into domestic law via Act No. 3760.

577 American Convention on Human Rights *supra* note 546.

578 Organization of American States, Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance, June 6, 2013, O.A.S.T.S. No. A-68, at art. 4.

579 *Id.* at pmb1.

580 *Id.*

581 Penal Code, *supra* note 541 at art. 328.

582 *Id.* at art. 3.

583 UDHR, *supra* note 542 at art. 9.

584 ICCPR, *supra* note 544 at art. 9(1).

585 Human Rights Committee, *Albert Womah Mukong v. Cameroon*, No. 458/1991, U.N. Doc. CCPR/C/51/D/458/1991 (Jul. 21, 1994).

586 ICCPR, *supra* note 544 at art. 9(2).

587 *Id.* at art. 9(3).

588 *Id.* at art. 14(2). Detained individuals also have the right to legal assistance, which should be available at no charge if they do not have the means to pay a lawyer. *Id.* at art. 14(2)(d). Finally, detained persons have the right to claim compensation for an unlawful arrest or detention. *Id.* at art. 9(5).

589 Inter-American Commission on Human Rights, Rapporteurship on the Rights of Persons Deprived of Liberty, *Report on the Use of Pretrial Detention in the Americas*, OEA/Ser.L/V/II. Doc.46/13 (Dec. 30, 2013).

590 *Tibi v. Ecuador*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 114 (Sep. 7, 2004).

591 *Id.*

592 *Azul Rojas Marín et. al. v. Peru*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 402 (Mar. 12, 2020).

593 All facts and quotations from IHRC Interview of Eulogio Vásquez Cuba, *supra* note 156.

594 Political Constitution of the State, *supra* note 3 at art. 22.

595 Penal Code, *supra* note 541 at art. 390.

596 *See* Vienna Convention on the Law of Treaties art. 53, May 23, 1969, 1155 U.N.T.S. 331 (information about *jus cogens* and peremptory norms); Erika de Wet, *The Prohibition Of Torture As An International Norm Of Jus Cogens And Its Implications For National And Customary Law*, European Journal of International Law, Volume 15, Issue 1, February 2004, at 97-121.

597 UDHR, *supra* note 542 at art. 5.

598 ICCPR, *supra* note 544, art. 7.

599 U.N. Treaty Collection, *Status of Convention against Torture*, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en). The Convention against Torture defines torture as “[a]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1, Dec. 10, 1984, 1465 U.N.T.S. 85.

600 *Id.* at art. 2.

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601 *Id.* at art. 4.  
602 *Id.* at art. 15.  
603 UN Committee Against Torture, General Comment No. 2, Implementation of Article 2 by State Parties, U.N. Doc. CAT/C/GC/2 (2008), para.4.  
604 Organization of American States (OAS), *Inter-American Convention to Prevent and Punish Torture*, Dec. 9, 1985, O.A.S.T.S. No. 67; American Convention on Human Rights, *supra* note 483.  
605 *Id.* at arts. 4-5. Accordingly, a person can be held accountable for torture, even if she or he did not carry it out.  
606 ICCPR, *supra* note 544 at art. 2.  
607 Human Rights Committee, General Comment No. 31 [80], CCPR/C/21/Rev.1/Add.13, para. 15.  
608 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147 (2005).  
609 American Convention on Human Rights, *supra* note 546.  
610 *Id.* at art. 25.  
611 Human Rights Committee, *supra* note 607 at para. 15.  
612 *Id.*  
613 UN Economic and Social Council, *Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, UN Doc. E/1989/89 (1989).  
614 *Id.* at 9. Provision 17 provides further requirements, including a written report on the methods and findings of an investigation, which must be made public in a timely manner. *Id.* at 17. In addition, to the Minnesota Protocol, the Convention against Torture places a duty to investigate allegations of torture when a state has “reasonable ground to believe that an act of torture has been committed.” Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *supra* note 599 at art. 12.  
615 *Molina Theissen v. Guatemala*, Inter-Am. Ct. H.R., (ser. C) No. 106, (May 4, 2004).  
616 Jo-Marie Burt And Paulo Estrada, *The Molina Theissen Judgment, Part I: Overview of the Court’s Findings*, International Justice Monitor, Aug. 3, 2018, <https://www.ijmonitor.org/2018/08/the-molina-theissen-judgment-part-i-overview-of-the-courts-findings/>.  
617 Organization of American States, *IACHR Warns about the Risk of Impunity for Human Rights Violations in Bolivia, Calls for a National Dialogue to Reach a Constitutional Solution to the Crisis*, Nov. 19, 2019, [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/296.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/296.asp).  
618 Human Rights Committee, *supra* note 607 at para. 18.  
619 *Id.*  
620 American Convention on Human Rights, *supra* note 546 at arts. 1.1, 2, 8, and 25.  
621 *Gelman v. Uruguay*, Inter-Am. Ct. H.R. (ser. C) No. 221, (Feb. 24, 2011).  
622 All facts and quotations from IHRC Interview of Mariela Mamani, *supra* note 151 and Telephone Interview with Mariela Mamani, *supra* note 175.

## International Human Rights Clinic at Harvard Law School

The International Human Rights Clinic (IHRC) at Harvard Law School seeks to protect and promote human rights and international humanitarian law through documentation; legal, factual, and strategic analysis; litigation before national, regional, and international bodies; treaty negotiations; and policy and advocacy initiatives.

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