



## [Press Release]

### Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Agnès Callamard

The Center for Legal and Social Studies (CELS), based in Buenos Aires, Argentina; the Europe-Third World Center (CETIM), based in Geneva, Switzerland; the Association for Human Rights of Bolivia; and the Andean Information Network and the University Network for Human Rights, based in the United States, addressed the Rapporteur on extrajudicial, summary or arbitrary Executions to denounce the Plurinational State of Bolivia in the case of the Sacaba and Senkata massacres, which occurred in November, 2019.

#### Summary

The Inter-American Commission on Human Rights has described operations carried out against two protests in Sacaba (Cochabamba, November 15) and Senkata (El Alto-La Paz, November 19), in Bolivia, as “massacres” in which the State, through “excessive and disproportionate use of public force,” carried out “serious human rights violations.”<sup>1</sup> It also made a “firm call to the Bolivian State to, in compliance with its international obligations, investigate and clarify each one of the facts, in order to establish those responsible, try and punish them, as well as provide comprehensive reparation to the victims and their relatives.”<sup>2</sup>

The cases occurred in the context of social protests carried out in the days immediately following the forced resignation of President Evo Morales on November 10 and the takeover of power on November 12 of an unelected government led by Jeanine Áñez and supported by conservative political and religious groups.

On November 14, one day before the Sacaba massacre, Áñez promulgated Supreme Decree 4078,<sup>3</sup> granting immunity to State security forces in operations deployed to “restore order.” The executive action provoked widespread condemnation from the international

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<sup>1</sup> The Inter-American Court of Human Rights presents its preliminary observations following its visit to Bolivia, and it demands an international investigation for the grave human rights violations that occurred in the period during the electoral process since October 2019. December 10, 2019. No. 321/19. <http://www.oas.org/es/cidh/prensa/comunicados/2019/321.asp>.

<sup>2</sup> IACHR presents its preliminary observations following its visit to Bolivia, and it demands an international investigation for the grave human rights violations that occurred in the period during the electoral process since October 2019. December 10, 2019. No. 321/19. <http://www.oas.org/es/cidh/prensa/comunicados/2019/321.asp>.

<sup>3</sup> <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1214NEC>.

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community.<sup>4</sup> On November 15, the de facto government issued Supreme Decree 4082, which authorized the allocation of 42.7 million bolivianos (\$6.2 million dollars, 5.2 million euros) to equip the armed forces.<sup>5</sup>

Although more than seven months have passed since the incidents took place, there has been no concrete progress in the investigations. Furthermore, arbitrary detentions related to the events persist. Those who have endured physical and psychological trauma from the events lack support systems, and the victims and their families feel helpless. This complaint seeks to present rapporteurs valuable evidence, compiled over the previous months, to credibly reconstruct the facts.

This complaint is based on:

- a) Direct testimony and videos provided by victims and families to the Argentine Delegation in Solidarity with the Bolivian People, between November 28 and 30, 2019 with the participation of CELS;<sup>6</sup>
- b) Testimonies taken by lawyer Nadeshda Guevara, from the Asociación Pro Derechos Humanos de Bolivia, who represents some of the victims of the Senkata massacre, including prisoners who have been arbitrarily detained;<sup>7</sup>

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<sup>4</sup> <https://cja.org/wp-content/uploads/2019/11/SP-Bolivia-Derecho-Internacional-Nota-de-Expertos-y-resumen-ejecutivo.pdf>

<sup>5</sup> See: <https://www.lostiempos.com/actualidad/pais/20191118/decreto-autoriza-asignacion-bs-34-7-millones-equipar-fuerzas-armadas>.

<sup>6</sup> Members of the Argentine delegation: Ignacio Andrés (FACCyR – CTEP); Luis Arias; Lisandro Ulises Arijon (ATE Capital); Roberto Carlés (Asociación Latinoamericana de Derecho Penal), Gabriela Carpineti (Tres Banderas), Simeón Darian Casimiro (MTD Oscar Barrios); Daniel Adolfo Catalano (ATE Capital); Samanta Jimena Delgado (FACCYR CTEP); Federico Fagioli (Diputado Nacional); Martín Miguel Ferrari (FPDS); Victoria Freire (Nueva Mayoría - Frente Patria Grande); Pablo Garciarena (Xumex); Juan Grabois (MTE – CTEP); Juan Martín Hissa (La Creciente – CTEP); Ismael Jalil (CORREPI); Sergio Job (UTR – CTEP); Carlos Alfredo Juárez Centeno (Universidad de Córdoba); Agustín Lecchi (SIPREBA); Cristina Vera Livitsanos (Asociación Americana de Juristas); Juana Marisa Llanos (FOL); Mario Andrés López (APDH Nacional); Agustín Mingorance (FACCyR – CTEP); Juan Monteverde (Ciudad Futura - Frente Patria Grande); Alicia Montoya (El Álamo FACCyR – CTEP); Diego Ramón Morales (CELS); Aníbal Rubén Mosquera (Pañuelos en Rebeldía); Marianela Navarro (FOL); Marcos Norberto Novo (SIPREBA); Carolina Palacio (MTE – CTEP); Gustavo Palmieri (Comité contra la Tortura – CELS); Leonardo Pérez Esquivel (ATE AGN); Pablo Pimentel (APDH La Matanza); Fernando Rey (ALBA); Manuel Alejandro Rivero (CADEP); Mauricio César Rojas Garrido (APDH Nacional); Sergio Smietniansky (CADEP); Iván Wrobel (ATE Capital); Carlos Zaidman (Asociación Ex Detenidos y Desaparecidos); Natalia Zaracho (MTE - Nueva Mayoría); Sandra Carreño (FPDS).

Besides registered testimonies, the Delegation released the final report (Attachment 1) and received videos of the Senkata Massacre (Attachments 9 and 10).

<sup>7</sup> Attachment 2; Attachment 3.

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- c) Legal documents, testimonies, and images of the Sacaba massacre, taken by the Andean Information Network, an organization based in Cochabamba;<sup>8</sup>
- d) Reports from other human rights and academic organizations;<sup>9</sup>
- e) Public statements by authorities.
- f) Press releases, reports, videos and public information available on the events.

This request is submitted on behalf of the victims of the Sacaba and Senkata massacres with the full consent of:

Sacaba: Angelica Calle Siles, [identity redacted];<sup>10</sup> Felipa Lopez Apaza; [identity redacted]; Ambrosio Yucra Aguilar; [identity redacted] (sustained a bullet wound); [identity redacted] (sustained a bullet wound).

Senkata: Ayben Huaranca Murillo, [identity redacted] (detained); Ruben Ivan Hidalgo Mejía, [identity redacted] (sustained a bullet wound).

## 1. Sacaba Massacre

The Sacaba massacre occurred on November 15, 2019, two days after Áñez came to power,<sup>11</sup> near the Huayllani toll booth checkpoint in the Sacaba municipality of Cochabamba. Coca leaf producers, many of whom supported the Movement to Socialism (MAS), Evo Morales' party, took to the streets after the forced resignation of Morales. Five thousand members of the Six Federations of the Tropic of Cochabamba<sup>12</sup> based in the Chapare region marched to Cochabamba, and later to La Paz, to participate in a peaceful march to demand respect for women wearing *polleras*<sup>13</sup> and to protest the recent attacks against indigenous people.<sup>14</sup>

On November 15, Bolivian security forces, comprised of police and military, shot unarmed protesters in Sacaba. According to eyewitnesses in the area, the security forces opened fire on civilians without warning, violating their right to life. These agents killed at least 10 and

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<sup>8</sup> Attachment 6, Attachment 7.

<sup>9</sup> Attachment 4; Attachment 5

<sup>10</sup> Several names in this submission have been redacted to protect the identity of the victim or witness.

<sup>11</sup> [https://www.facebook.com/watch/live/?v=3143928652498283&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=3143928652498283&ref=watch_permalink).

<sup>12</sup> Agrarian union organization divided in federations and organized in a centralized manner.

<sup>13</sup> Skirts traditionally worn by Quechua and Aymara women.

<sup>14</sup> Audio interview conducted by Andean Information Network on December 9, 2019. Interviews conducted via audio for the victims.

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wounded more than 120 people. All of the dead and injured were indigenous civilians. No military or police officer suffered significant injuries. Protesters also endured beatings and other physical abuse resulting from the disproportionate use of force, as well as racist and anti-indigenous verbal attacks. State security forces intentionally and negligently fired, killing civilians. The evidence collected indicates that these state agents carried out extrajudicial killings.

### 1.1. Background

After the October 20 elections, demonstrations and violence in the country intensified. On October 24, right-wing groups burned the headquarters of the Six Federations of the Tropic of Cochabamba and its community radio station, Kawsachun Coca, located in Plazuela Busch in Cochabamba.<sup>15</sup>

At 9:00 a.m. on November 6, women social movement representatives held a march to reject discrimination in Bolivia,<sup>16</sup> defend democracy, and demand respect for the vote of rural communities. Although the gathering was peaceful and children were present, police repressed the marchers with tear gas. One protester explained, “They came from nowhere and they gassed us mercilessly for a long time. We were only marching. We weren’t bothering anyone. You can’t tell anyone that you support the MAS; it’s too dangerous and can get you hurt.”<sup>17</sup> On the same day, at 5:30 p.m., the Cochala Youth Resistance (RJC) - an irregular violent group composed of members on motorcycles who worked in coordination with and was endorsed by the police - went to Sacaba, attacking *señoras de pollera* and other indigenous people. These motorcyclists physically confronted the returning marchers, causing panic and vandalizing the coca market where many of the women were staying.<sup>18</sup>

After the forced resignation of Evo Morales on November 10,<sup>19</sup> attacks on the social movement protests escalated. These attacks were principally carried out by the armed forces, which used disproportionate force against the demonstrators. This caused tension and fear in the population, particularly in places like the Huayllani checkpoint.

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<sup>15</sup> [https://www.facebook.com/watch/live/?v=716227092230139&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=716227092230139&ref=watch_permalink).

<sup>16</sup> TeleSur, Women march in Cochabamba against racism and discrimination in Bolivia, November 6, 2019, <https://www.telesurtv.net/news/mujeres-marchan-cochabamba-contra-racismo-discriminacion-bolivia-20191106-0014.html>.

<sup>17</sup> Phone call from participant of the women’s march with Andean Information Network. November 6, 2019.

<sup>18</sup> The Times, <https://www.lostiempos.com/actualidad/cochabamba/20191108/miedo-motos-quemadas-dejaron-enfrentamientos-sacaba>.

<sup>19</sup> Página Siete, <https://www.paginasiete.bo/nacional/2019/11/10/renuncia-evo-morales-237025.html>.

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Beginning at dawn on November 14, the police impeded Chapare residents from entering the city of Cochabamba, forcing them out of buses and cars and confiscating their belongings. The police verbally abused, beat, and handcuffed the Chapareños, including members of Congress.<sup>20</sup> That night in Sacaba, a member of a joint police-military force shot Miguel Ledezma Gonzáles in the face, killing him.<sup>21</sup>

In response, the Six Federations organized a march to La Paz to defend the rights of their people and of indigenous communities, as well as to condemn human rights abuses. Over following day, more members of the Six Federations arrived. Bolivian security forces continued to block them from entering Cochabamba.

## 1.2. The facts: state violence against protesters

On November 15, at 2:00 p.m., after a rally at the Sacaba coca wholesale market, protesters decided to commence a peaceful march towards the Cochabamba main plaza as their first stop. When they reached the Huayllani bridge, representatives of social organizations approached the security forces to request permission to pass. According to the testimony of protester Antonio Cruz,<sup>22</sup> the police commander, Colonel Jaime Zurita,<sup>23</sup> said he would let them march in 20 minutes on the condition that they leave all objects, such as flags, firecrackers, surgical masks, and sticks. The marchers obeyed these requirements, leaving the objects, and began to march at 3:00 p.m.

Nevertheless, the security forces surprised the demonstrators by firing tear gas at them, which lasted for approximately 30 minutes. Protesters affirm that when the soldiers ran out of tear gas, they began firing bullets at the demonstrators.<sup>24</sup> “As things unfolded, when [the security forces] ran out of gas, people thought they could move forward, and that's when they started shooting. We saw wounded people; the security forces began to shoot with bullets, live ammunition, pistols. They shot me when I was helping someone with a bullet wound. That's when the bullet hit my right thigh,” said an injured demonstrator.<sup>25</sup> The protestors dispersed, many receiving bullet wounds as they were trying to help women and

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<sup>20</sup> Interview from Andean Information Network of Deputy Juana Quispe Ari, representative of the Tropic of Cochabamba, Press Conference, Sonia Brito, President of the Commission of Human Rights of the Chamber of Bolivian Deputies, November 15, 2019. (Video in archive).

<sup>21</sup> <https://www.atb.com.bo/seguridad/confirman-un-muerto-en-operativo-militar-policial-en-cochabamba> .

<sup>22</sup> Audio interviews of the victims conducted by Andean Information Network, December 10, 2019.

<sup>23</sup> <https://www.youtube.com/watch?v=fdCfcolkpoQ>.

<sup>24</sup> Andean Information Network interviews, November 15, 2019, December 9 and December 10, 2019, and February 2, 2020; see IHRC, *supra*, p. 12.

<sup>25</sup> Audio interview of Guido Porco, conducted by Andean Information Network, December 2019.

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children. The repressive attack lasted two hours.<sup>26</sup> Police advanced, stepping on fallen protesters, breaking bones<sup>27</sup> and causing other injuries.<sup>28</sup>

The state forces had at least one tank and a Neptune vehicle<sup>29</sup> used to disperse protesters with water, as well as a warplane and several helicopters that were flying at low altitudes in the area where the people were gathered. The protesters expressed their fear, stating that armed soldiers fired at them from a military helicopter painted camouflaged.<sup>30</sup>

### TABLE OF DEATHS IN SACABA

N°	STATUS	CAUSE OF DEATH	DATE	LAST NAME	MOTHER'S LAST NAME	NAME	AGE
1	DECEASED	BULLET IMPACT	15/11/2019	SANCHEZ	VALENCIA	LUCAS	18
2	DECEASED	BULLET IMPACT	15/11/2019	LOPEZ	APAZA	JUAN	34
3	DECEASED	BULLET IMPACT	15/11/2019	SIPE	MERIDA	CESAR	18
4	DECEASED	BULLET IMPACT	15/11/2019	SEJAS	ESCOBAR	ROBERTO	28
5	DECEASED	BULLET IMPACT	15/11/2019	COLQUE	EÓN	EMILIO	21
6	DECEASED	BULLET IMPACT	15/11/2019	ROJAS	DELGADILLO	PLACIDO	18
7	DECEASED	BULLET IMPACT	15/11/2019	VARGAS	MARTINEZ	MARCO	31
8	DECEASED	BULLET IMPACT	15/11/2019	CALLE	SILES	OMAR	25
9	DECEASED	BULLET IMPACT	16/11/2019	CARBALLO	ESCOBAR	ARMANDO	25
10	DECEASED	BULLET IMPACT	11/6/2020	PINTO	MAMANI	JULIO	56

Table 1 - Deceased in Sacaba, compiled by the Andean Information Network (AIN)

Victims affirmed that security forces fired at the people caring for the wounded during this intense phase of the shooting,<sup>31</sup> while protesters suffered from the effects of the previous tear gas attack. One victim told the Harvard International Human Rights Clinic, “The person next to me had been shot in the left part of his body. I was helping him when they

<sup>26</sup> Video interview conducted of F. Gutiérrez, November 15, 2019 by the Andean Information Network

<sup>27</sup> Video interview conducted by Andean Information Network of Gregoria Siles, November 15, 2019.

<sup>28</sup> Audio interviews conducted by Andean Information Network, February 2, 2020.

<sup>29</sup> Armored police vehicle similar to that of a fire truck and that launches power streams of water to dissuade and disperse crowds.

<sup>30</sup> Audio interview of Ambrosio Yucra conducted by Andean Information Network, December 10, 2019.

<sup>31</sup> Audio interviews conducted by Andean Information Network, February 2, 2020.

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shot me.” Another explained, from his hospital bed, that a soldier had shot him in the eye when he was trying to help injured people.<sup>32</sup>

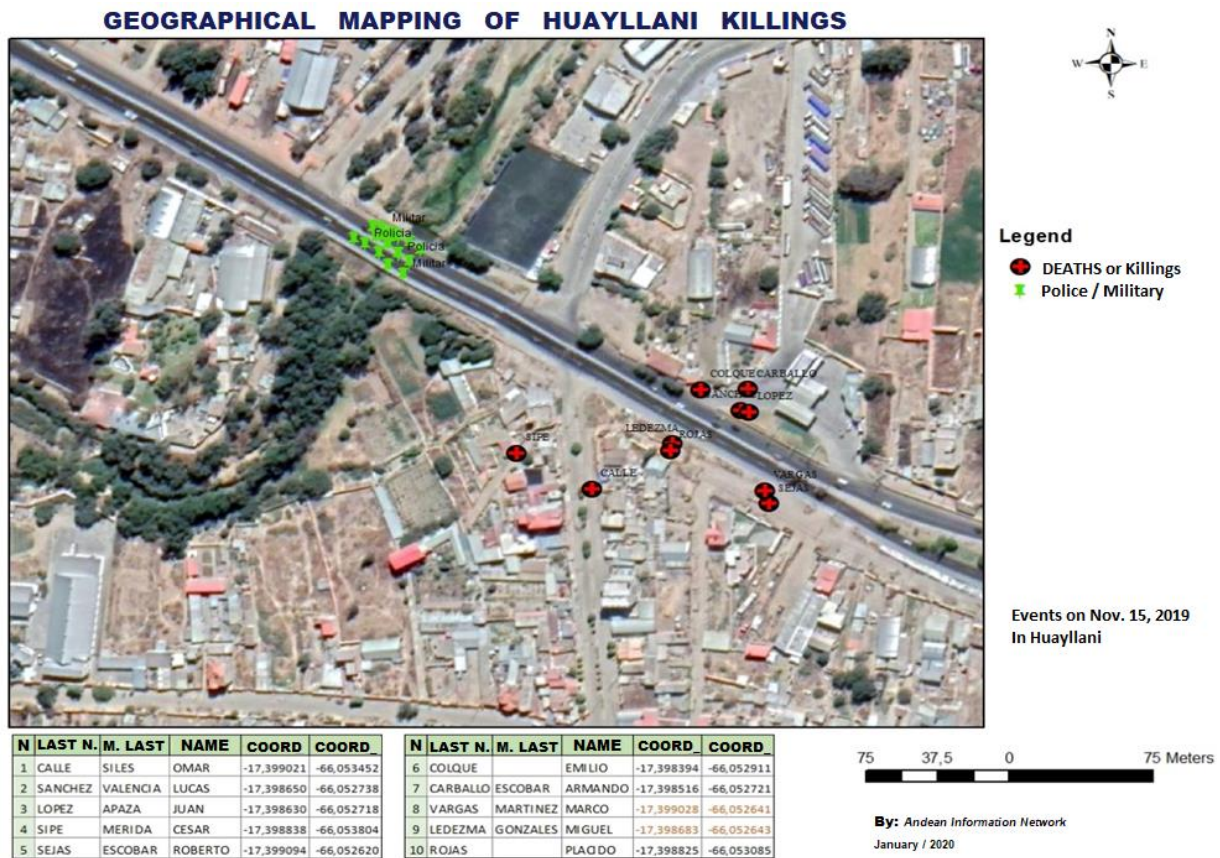


Image 1: GIS Crime Analysis Mapping, killings in Huayllani

While state agents flew over demonstrators with military planes and helicopters, shooting them, soldiers pursued the fleeing protesters, entering private homes and businesses, physically attacking the victims. They besieged and humiliated them with racist and anti-indigenous insults. They used phrases like “What do you want here? Damn Indian, drug dealer, why did you come?”<sup>33</sup>

<sup>32</sup> IHRC, *supra*, p. 12.

<sup>33</sup> IHRC, *supra*, p. 43.

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In addition to enduring harassment, physical violence, and degradation, soldiers continued to shoot those who helped the wounded for roughly two hours, impeding their access to medical care. When civilians finally rescued the injured, hospitals and ambulances had insufficient resources or space for the large quantity of wounded and dead. Many people were denied proper medical care, while others had to wait hours before being treated by a doctor or nurse. The entrance of the public Hospital México, was completely awash with blood, bodies, and victims.<sup>34</sup>

Similar incidents occurred in other hospitals in Sacaba, such as Salomón Klein and the Arévalo Clinic, from 6:00 a.m. to 7:00 p.m.<sup>35</sup> Without sufficient ambulances, marchers had to help the wounded using private vehicles and public transportation.<sup>36</sup> Some doctors harassed the victims, asking them why they had come to Sacaba and how much money they had been paid, subjecting people who had suffered serious injuries to further rights violations.

*They took me to the México hospital, and there was no place for them to help me. They treated me in the hallway. I waited about 30 minutes. They put gauze on me and wrapped the wound, but it kept bleeding. Later, they cleaned it - I couldn't see my wound - and gave me an IV; they stitched me up and said, 'You're fine, you can go.' Some doctors at the Mexico Hospital said 'What did you come for? Who told you to come?' Those doctors' statements made us angry. No leader forced me; no one sent me. I was offended that they had humiliated indigenous women.<sup>37</sup>*

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<sup>34</sup> Audio interviews conducted by Andean Information Network to Mr. Antonio Cruz Ramírez on January 8, 2020 in Huayllani and others on February 9, 2020.

<sup>35</sup> Interviews from Andean Information Network, December 13; information recounted by “the director of Viedma Hospital Dr. Juan José Mendoza.”

<sup>36</sup> IHRC, *supra*, p. 18.

<sup>37</sup> Audio interview of Guido Porco, conducted by Andean Information Network. December 10, 2019.

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*Image 2: Nov. 15 Huayllani, Tear gas and shell casings after the massacre  
Picture: Andean Information Network (AIN)*

Protesters also denounced a press bias in favor of the police and military. They requested support from the international press, asking them to report on the abuses they suffered, such as arbitrary detentions, tear gas attacks, injuries from physical abuse, and deaths caused by bullets.<sup>38</sup>

### **1.3. After the massacre, the de facto government promoted a narrative accusing the victims of the violence**

Following the November 15 massacre in Sacaba, the Añez government worked to obstruct investigations into the killings and excessive use of force.

The Defense Minister stated in the press that the protestors' bullet wounds were in the back, caused by fellow marchers, who the government characterized as extremely violent.<sup>39</sup>

<sup>38</sup> Audio interviews conducted by Andean Information Network to [identity undisclosed for privacy concerns], December 10, 2019.

<sup>39</sup> <https://www.lostiempos.com/actualidad/pais/20191116/murillo-asegura-que-disparos-sacaba-salieron-manifestacion-cocalera>

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However, according to testimonies, the security forces fired at protesters with FAL automatic weapons, standard issue for the armed forces. “The military had FAL. I know because I have used them myself during my mandatory military service. I saw the soldiers shoot, and they fired a burst with a machine gun from a helicopter, too,” stated a witness in Sacaba.<sup>40</sup>

The bullet holes documented in multiple autopsies were 8 mm, compatible with the 7.62 mm

*Image 4: Roberto Sejas (left) and Marcos Vargas with gunshot wounds on the tops of their heads. Source: Kawsachun Coca*



caliber FAL bullet.<sup>41</sup> Demonstrators also reported that soldiers fired bullets from the air into the march from the military helicopter “like a shower of fire from above.”<sup>42</sup> The police

<sup>40</sup> Audio interview conducted by Andean Information Network of [identity redacted], February 2, 2020.

<sup>41</sup> See autopsy of Armando Carvallo, Juan López Apaza, Lucas Sánchez Valencia. César Sipe Mérida, Marcos Vargas Martínez IDIF Cochabamba, November 16, 2020.

<sup>42</sup> Audio interview of Antonio Cruz Ramírez conducted by Andean Information Network, December 10, 2019 in Huayllani, and February 2, 2020.

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commander confirmed the presence of the helicopter in an interview with the IACHR.<sup>43</sup> Three autopsies show that [forces] shot victims in the head from above.<sup>44</sup>

According to multiple testimonies, security forces shot protesters while they were trying to escape. The Human Rights Ombudsperson's Office confirmed that most of the victims fell at an angle that indicates they were escaping from soldiers.

According to a Bolivian police spokesman, their investigators found no weapons on the protesters, reinforcing the conclusion that the state forces who were responsible for the injuries and deaths were also trying to delegitimize the protesters that day.<sup>45</sup> Other evidence of these are also the samples of shell casings collected from the scene of the massacre by the protesters - FAL caliber 7.62 mm bullets - corresponding to the type of ammunition used by the state forces (see image 2). This evidence also contradicts the de facto government's claim that the bullets used, did not correspond to the with the armed forces standard issue weapons.<sup>46</sup>

## 2. The Senkata Massacre

The Senkata massacre occurred on November 19, 2019 in El Alto, in the La Paz metropolitan area. It constituted intense repression of grassroots protests called by civil society groups with a strong capacity to mobilize in response to the forced resignation of Evo Morales and Jeanine Añez's rise to power. At least eleven people were killed and 72 injured.<sup>47</sup>

The protests in this area of El Alto arose to protest the electoral context. It is difficult to pinpoint a starting date for the mobilizations in this location that is regularly used by diverse groups for protests. MAS leaders and Federation of Neighborhood Councils (FEJUVE) organized demonstrations by November 9 in order to build a grassroots coalition to oppose pressure for Evo Morales's resignation and calls for new elections.

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<sup>43</sup> <https://www.oas.org/es/cidh/prensa/comunicados/2019/321.asp>.

<sup>44</sup> See, Autopsies of Roberto Sejas, Lucas Sánchez Valencia, Marcos Vargas Martínez, IDIF Cochabamba, November 16, 2019 (Attachment 6).

<sup>45</sup> IHRC, *supra*, p. 13.

<sup>46</sup> IHRC, *supra*, p. 14 Interviews and photos, Andean Information Network, November 15, 2019.

<sup>47</sup> El Alto and APDH Aachacachi Permanent Assembly of Human Rights – Bolivia, letter to the Minister Yerko M Núñez Negrete, February 13, 2020. In the memo there are 10 deaths listed: 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 Girona, Edwin Jamachi Paniagua, Calixto Huanaco Aguilario. On March 4, it became known that Emilio Fernández, young man who had a bullet and returned to his home province of Loayza, passed away. See: <https://urgente.bo/noticia/apdh-confirma-una-und%C3%A9cima-muerte-por-los-sucesos-violentos-en-senkata>

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Protests broadened in the following days, unaffiliated residents, social movement and rural farmer groups mobilized to protest the burning of *wiphalas*,<sup>48</sup> racist and hateful acts against indigenous people and *senoras de pollera*, and groups that had committed violent attacks against indigenous communities, such as those associated with Luis Fernando Camacho<sup>49</sup> and the Santa Cruz Youth League. Protestors included the CSUTCB (Confederación Sindical Única de Trabajadores Campesinos de Bolivia), the National Confederation of Indigenous Rural Women from Bolivia - Bartolina Sisa, and the Túpac Katari Rural Workers Federation.

Starting on Thursday, November 14, blockades impeded the exit of tankers and trucks. Protestors built a series of blockades in conjunction with others by popular movements around the city of La Paz to prevent the arrival of fuel and some food. These types of blockades are a form of traditional social mobilization utilized by the popular sectors in this region. In the case of Senkata, the protest took place in front of a hydrocarbon plant belonging to Yacimientos Petrolíferos Fiscales Bolivianos (YPFB). The plant is a strategic location that supplies liquefied petroleum gas (LPG) and gasoline to La Paz and because it is on the highway connecting El Alto to the La Paz metropolitan area. The blocking of the passage of fuel trucks has historically been used as a tool for pressure to demand negotiations with the State.<sup>50</sup>

In addition to physically blocking the exit of the plant, protesters dug trenches along the main access doors to keep trucks from going through.<sup>51</sup> That day, the *Añez de facto* government approved Decree 4078, establishing a mandate for the armed forces to guarantee public order and exempting its members from criminal responsibility for actions committed in that framework.<sup>52</sup> On November 15 in Cochabamba, the Sacaba massacre occurred, with at that point at least 9 deaths and multiple injuries.<sup>53</sup>

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<sup>48</sup> Translators note: A multi-colored flag representing Andean indigenous movements. It is one of the official flags of Bolivia. Mutinying police officers cut the flags off their uniforms and burned them, provoking outrage from indigenous citizens.

<sup>49</sup> See: [https://www.clarin.com/mundo/luis-fernando-camacho-lider-opositor-pone-jaque-evo-morales-bolivia\\_0\\_SUPdoEHQ.html](https://www.clarin.com/mundo/luis-fernando-camacho-lider-opositor-pone-jaque-evo-morales-bolivia_0_SUPdoEHQ.html).

<sup>50</sup> <https://www.paginasiete.bo/nacional/2019/11/17/en-senkata-bloquean-con-zanjas-carburantes-escasean-en-la-paz-237634.html>.

<sup>51</sup> [https://www.clarin.com/mundo/crisis-bolivia-preocupa-escasez-combustibles-alimentos-paz\\_0\\_XnvWlp9J.html](https://www.clarin.com/mundo/crisis-bolivia-preocupa-escasez-combustibles-alimentos-paz_0_XnvWlp9J.html).

<sup>52</sup> Eleven human rights experts, including the UN Rapporteur on Extrajudicial Killings, Agnès Callamard, published a letter declaring the incompatibility of this decree with international human rights law standards. Available: <https://cja.org/wp-content/uploads/2019/11/Command-Responsibility-Use-of-Force-and-Invalid-Immunity-laws-in-BoliviaExec-summary.pdf>.

<sup>53</sup> On the day of the Senkata massacre there were 9 dead in Sacaba Two more people subsequently died from wounds sustained.

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Over the coming days, the blockades in El Alto and other access points to the capital began to cause gas shortages in La Paz. The press began to react, as did the self-appointed government.<sup>54</sup> In the days that followed, the government declared an intention to negotiate with the protesters; the protesters, in turn, demanded the withdrawal of the armed forces as a condition to end the blockade.<sup>55</sup> On Monday, November 18, a town meeting of El Alto neighborhood councils voted to intensify of the siege of La Paz to prevent the arrival of fuels and some other staples.

## 2.1 Mission Deployment

On November 19 at approximately 8:00 a.m., military and the police went to escort 45 filled tanker trucks from the plant at the corner between the Vicente Seoane and the La Paz-Oruro highway. Social movement leaders, individual residents, and a large number of bystanders who were passing through were present. The neighborhood is a busy, traffic-filled part of El Alto and a departure point for La Paz. There are banks, sports clubs, churches, markets and shopping centers near the plant. Street Vendors sold refreshments to the crowd.

In this context, security forces initiated repression on the La Paz-Oruro highway to disperse the blockade, without any attempt at negotiation. Security forces deployed assault cars, troop transport trucks, tanks and helicopters. Between 9 and 11 a.m., security forces used disproportionate force, firing bullets and tear gas without any prior warning. Testimonies collected by the Harvard International Human Rights Clinic (IHRC) team reveal that extensive use of tear gas caused widespread panic. People fainted on the street and a great deal of gas entered nearby residences. Frightened people in their homes broke windows and ran into the street.<sup>56</sup>

Tanker trucks loaded with gas, diesel and gasoline had the chance to exit the YPFB complex in Senkata around 10:30<sup>57</sup> Witness testimony indicates that protesters decided to temporarily lift roadblocks to let the trucks leave.

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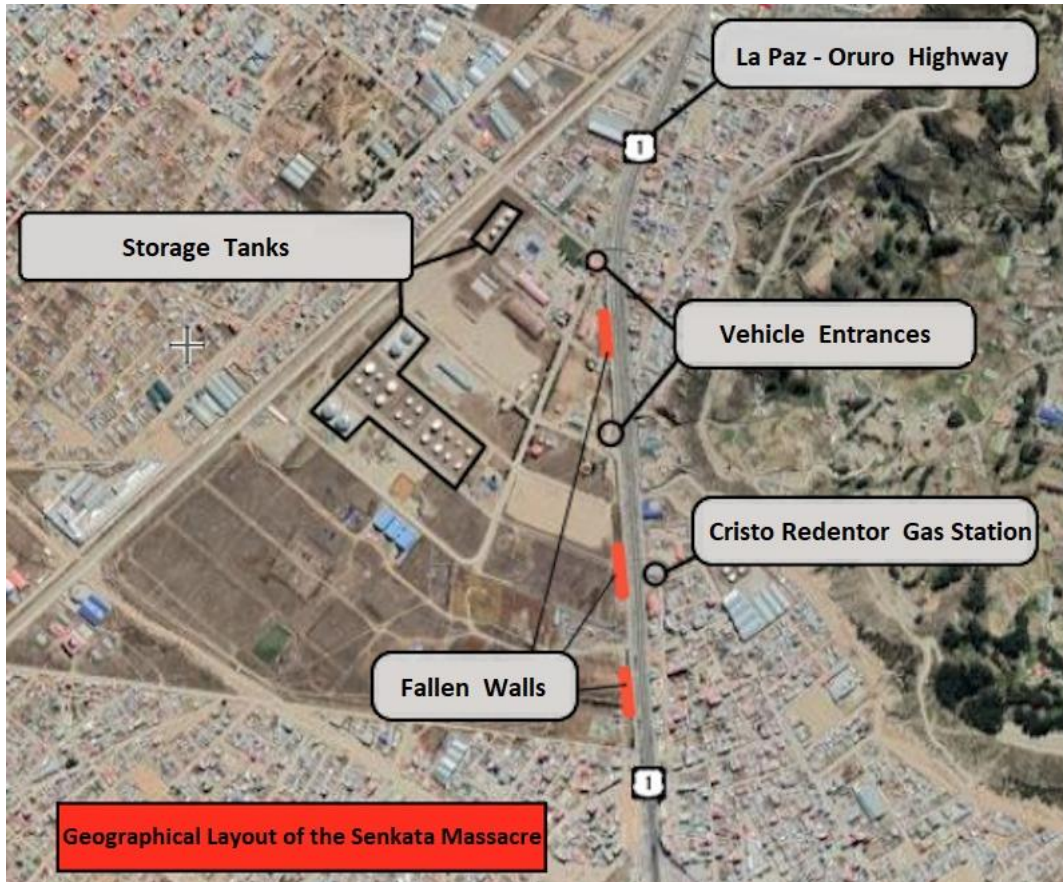
<sup>54</sup> <https://www.paginasiete.bo/economia/2019/11/15/escasean-carburantes-en-la-paz-el-alto-por-conflictos-en-senkata-237466.html>.

<sup>55</sup> <https://www.lavoz.com.ar/mundo/que-busca-negociar-gobierno-interino-boliviano-con-seguidores-de-evo-morales>.

<sup>56</sup> IHRC, *supra*, p. 20.

<sup>57</sup> <https://www.europapress.es/internacional/noticia-convoy-rompe-bloqueo-planta-hidrocarburos-senkata-abastecer-paz-20191119171305.html>.

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*Image 5: GIS Mapping, Senkata Massacre*

When the tear gas cleared after this first phase of the attack, witness accounts indicate that some people had already been shot.

At 10:00 a.m., Ayben Huaranca, a nurse, left his house to go to work. When he passed by the area where the military operations were taking place, he found people seriously injured from the repression, so he began to give them first aid.<sup>58</sup>

Ivan Hidalgo Mejía, a beverage vendor, arrived in the area around 10:30 a.m. to buy groceries. Security forces shot him, along with others.<sup>59</sup> His testimony described how the repressive use of tear gas caused widespread panic. After the tear gas cleared, a woman approached saying that there were deaths and asking for help. As Mr. Hidalgo Mejía went

<sup>58</sup> Attachment 2.

<sup>59</sup> Attachment 3.

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further along the La Paz-Oruro highway to help people and recover the bodies, helicopters continued to fly above; witnesses heard shots coming from them.

Relatives of 23-year-old Clemente Eloy Mamani Santander state that a bullet hit him between 10 a.m. and 10:30 a.m. The family went to the hospital at 1:00 p.m. The family of 22-year-old Joel Colque Patty (22) say that soldiers shot him at around 10 a.m. Ayben Huaranca said he attended to one of the first fatalities, possibly Clemente.

When Mr. Hidalgo arrived at the Achocalla plant entrance, he saw aggression by the security forces against a woman wearing a *pollera*. They cut off her braids, threw her to the ground, beat and kicked her. When the police left, some neighbors helped her and took her home. After that, he decided to return to the place where his wife was waiting for him and saw a large group of people tear down part of the external wall of the plant:

*That's when I saw a group of people at the wall of the YPFB gas plant. They shouted that the police took [dead] bodies into the plant. I tried to go around them and walked faster to find my wife. Suddenly a large crowd began to run quickly and desperately. People were screaming ... 'They're shooting...Help! help!' I too started to run towards the gas station. That's when I saw three military tanks coming down the road. There were soldiers, sticking half out of the tanks, who shot at everyone who ran away.*

Then, a new wave of repression began. Members of the armed forces indiscriminately fired live ammunition at protesters and bystanders from inside the plant and from helicopters.<sup>60</sup> Mr. Hidalgo continued:

*That was when the **MILITARY BULLET FROM THE TANKS** hit my left knee. I fell with the first shot but managed to get up. I tried to escape by hopping away. That's when they shot me again in the left tibia, this time with a rubber pellet from the mini-tank. The pellet bounced off my leg, that's when I saw the tank that was about 40 meters from me and the soldiers laughed at the damage it had caused me. The people screamed, "There are wounded, wounded!..."*

Deyvid Posto Cusi was returning home from work with a colleague when he came upon the massacre. His companion saw him fall from helicopter shots. His father learned he had died

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<sup>60</sup> Attachment 9. EU-UPEA: Brutal repression.

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around noon. **[Identity redacted]** told to the Argentine delegation<sup>61</sup> that a bullet pierced her hand that was holding her cell phone at around 11am; there was a helicopter nearby.

Antonio Ronald Quispe Ticona left his house at 1:30 p.m. and was shot from a helicopter. At 4:30 p.m. his uncle recognized him on television as one of the deceased. At that time, Ayben Huaranca denounced that the security forces continued to shoot even those who attempted to assist wounded and recover the dead bodies. He recounted how they even shot him, although he was wearing a health worker's uniform.

State forces shot 37-year-old Pedro Quisbert Mamani between 3:00 and 3:30 p.m., according to his relatives. Rudy Cristian Vazquez Condori, 23, also killed in the massacre, left his house between 3 and 3:30 p.m. Some neighbors later told his father that his son had a bullet wound. Soldiers shot 24-year-old Milton David Girona before 4 p.m. His girlfriend told Milton's brother that he arrived at the hospital between 4 p.m. and 5 p.m.

Consistent with that which takes place in a busy neighborhood filled with shops, churches, and clubs, many of the victims told the Argentine delegation that they were in the area for work or personal reasons and were not participating in the protest.<sup>62</sup> Witnesses say that the late Deyvid Posto Cusi was returning from work; Clemente Eloy Mamani's mother-in-law stated that he was injured on the way home after dining out and called her saying that he had run out of money. Fabio Quispe Arpazi had left his house in the morning to buy medicine when he was wounded by a gunshot. **[Identity redacted]** went out with her husband to buy supplies for their French fry and hot dog stand when a soldier in a helicopter shot her in the hand.

It is likely that additional victims and their families were afraid to testify that they participated in the protests, that they belong to a social movement, or that they support the MAS party, as a result of repeated stigmatizing statements from government authorities<sup>63</sup> and the humiliation, mistreatment, and even torture, perpetrated by members of the security forces<sup>64</sup> against alleged MAS or Evo Morales supporters at that time and still today. Obviously, the victims' political opinions or their party affiliation or participation in social movements do not limit their rights to life and physical safety. On the contrary, the repressive acts represent clear violations of the victims' freedom of assembly, association and speech of the victims and of society as a whole.

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<sup>61</sup> This person whom the Argentine delegation listened to does not appear in the APDH's list of wounded persons, corroborating the lower number of registered cases.

<sup>62</sup> Attachment 9. They kill mercilessly (video).

<sup>63</sup> See, Defense Minister, *Minister Luis Fernando López Julio toasts at the press conference*, YouTube, Nov. 19, 2019, [https://www.youtube.com/watch?v=BLCDd\\_aJu0I](https://www.youtube.com/watch?v=BLCDd_aJu0I).

<sup>64</sup> Attachment 2.

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## 2.2 The massacre<sup>65</sup>

At least eleven people died in the massacre. Case details demonstrate that homicides occurred over roughly 4 hours, approximately between 10 a.m. and 6 p.m. The use of firearms took place at three different times: from 10:30 to 11:30, from 2:00 to 3:30 pm and from 4:30 to 5:00 pm.

1. **Deyvid Posto Cusi** (34) was returning from work in Bechia when he encountered the massacre. It is estimated the bullet hit him around 11 a.m. and his father was notified around noon.
2. **Antonio Ronald Quispe Ticona** (24), shot sometime between 2:00 p.m. and 3:00 p.m. He left his house at 1:30 pm at 4:30 p.m. His uncle recognized his nephew on TV as one of the deceased.
3. **Clemente Eloy Mamani Santander** (23) received a bullet wound, between 10 and 10:30 a.m. At around 1:00 p.m. the family went to the hospital.
4. **Joel Colque Patty** (22) was passing through Senkata when he was shot around 10 am.
5. **Pedro Quisbert Mamani** (37) was likely shot between 3:00 and 3:30 p.m.
6. **Juan José Tenorio Mamani** (23) called his family in the afternoon to say that soldiers were shooting. Therefore, the time in which he was shot would have been after that call.
7. **Rudy Cristian Vazquez Condori** (23) left home between 3 and 3:30 p.m.
8. **Milton David Gironda** (24) was likely shot before 4:00 p.m. His girlfriend told his brother that she got to the hospital between 4:00 and 5:00 p.m.
9. **Edwin Jamachi Paniagua** (38) was shot during the massacre on his way to work before noon, which was when the Ombudsperson's office announced his death.<sup>66</sup>
10. **Calixto Huanaco Aguilar** (32) died on November 27 around noon in the ICU of the Villa Dolores Hospital, as reported by the Ombudsperson's office.<sup>67</sup>
11. **Emilio Fernández** died on March 4, 2020.<sup>68</sup>

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<sup>65</sup> Attachment 4.

<sup>66</sup> See <https://www.defensoria.gob.bo/noticias/defensoria-del-pueblo-evidencia-3-fallecidos-tras-operativo-policia-militar-en-el-alto-y-pide-desmovilizacion-militar>.

<sup>67</sup> <https://www.laizquierdadiario.com.bo/Suman-muertos-del-golpe-por-Masacre-de-Senkata>.

<sup>68</sup> <https://www.opinion.com.bo/articulo/pais/otra-victima-violencia-senkata-fallece-suman-11-muertes/20200305232405754894.html>.



Testimony from injured people clarified the length of the repressive gunfire. Several testimonies emphasized shots from a helicopter.<sup>69</sup> The trajectory of the shots (from top to bottom) that killed Deyvid Posto Cusi and Antonio Ronald Quispe Ticona came from a helicopter. Two witnesses, affirm that Quispe was shot while trying to protect two people from the bullets that came from a helicopter.<sup>70</sup>

The most up-to-date list of wounded has 72 victims. At least one person interviewed by the Argentine delegation has not been named. After the massacre, multiple testimonies cite that security forces went to health care centers and intimidated victims and, in some cases, arresting them. As a result, many of those injured avoided hospitals or did not want to have their names included in the lists drawn up by civil society organizations.

The section of the La Paz-Oruro highway along the side of the YPFB plant is approximately a km long, a large area. There was intense shooting with lethal weapons capable of victimizing approximately one hundred people.

### 2.3 Transfer of bodies and the wounded

Victims told CELS there were no ambulances or other forms of transportation for the injured. In a live video of the RT-Noticias at 2:00 p.m., Ayben Huaranca<sup>71</sup> affirmed that he was the only one who provided care on the scene for two hours after the conflict began.<sup>72</sup> Mr. Huaranca is currently under arrest, accused of terrorism and sedition.<sup>73</sup> Transportation to the health centers was improvised with cars that were paid for by the wounded or with the assistance of neighbors. According to most testimonies, health care was denied or severely limited.

- In the case of the late Edwin Jamacini Paniagua, testimonies affirm that he was not treated by public health because the military prevented him.
- Joel Colque Patty died bleeding, without medical attention.

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<sup>69</sup> Attachment 9. They kill from the helicopters (video). Attachment 9. They kill in Senkata (video). Attachment 9. Shooting (video). Attachment 9. Panorama and helicopter (video).

<sup>70</sup> IHRC, *supra*, p. 21, Attachment 2.

<sup>71</sup> Attachment 2.

<sup>72</sup> Attachment 2.

<sup>73</sup> Attachment 2.



- **[Identity redacted]** bled between 11:30 a.m. and 1:00 p.m. Before he received medical care. They denied him care at the community center and discriminated against him at Hulaní hospital.

Others received only rudimentary medical attention. For example, **[identity redacted]** stated that a nurse - probably Huaranca - gave him injections that kept him stable, until he arrived at the hospital. In most cases the improvised assistance came from the neighbors.

The management of the cadavers was also completely inadequate. Throughout the mission, the military prevented people from approaching the bodies of the deceased, which provoked fear that the forces would make them disappear.<sup>74</sup> There were inadequate measures to transport and insufficient guarantees that autopsies would be carried out.<sup>75</sup> In some cases, such as Antonio Ronald Quispe,<sup>76</sup> demonstrators took dead bodies to a church, which functioned as a makeshift morgue. According to witnesses, some of the autopsies were even a conducted there.

Likewise, victims had no health insurance to cover their care. The universal health system covers medication, but not transfusions, surgeries, and other crucial elements like surgical nails, plates and other equipment to reconstruct damaged bones. The families had to pay these costs.

All the families went into debt with healthcare facilities or borrowed from neighbors, friends, or banks. Hospitals demanded payment before surgeries, resulting in delays with serious consequences for the victims. Testimonies from relatives of the deceased and injured people emphasize that these costs are prohibitive. Many of the people who were injured or killed were the primary breadwinners, generating further complications.

- Clemente Eloy Mamani Santander arrived at the hospital in a taxi around 2:00 p.m. He needed an operation, and at 7:00 p.m. they were notified of the cost of treatment. The health center asked them for 1,200 bolivianos (US\$ 174) for a blood transfusion.<sup>77</sup> At around 10:40 p.m. they paid the requested amount, and the center asked for an additional 450 bolivianos (US\$ 65). They did not do the surgery, and he died at 11:05 p.m.

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<sup>74</sup> See how military officers guard the body of one of the first fallen, prohibiting people from approaching, in the following video: <https://www.facebook.com/Radio-Atipiri-Oficial-236347476491304/videos/649839342214624/>.

<sup>75</sup> Attachment 9. Military officers tell a woman to remove the body of a family member herself.

<sup>76</sup> Testimonies provided by the Argentine delegation.

<sup>77</sup> The minimum wage in Bolivia is 2.122 bolivianos, according to Supreme Decree 3888.



- The [name redacted] needs an implant made out of her the hip bone, that costs 5,000 bolivianos (US \$725 ) to treat the gunshot wound to her hand
- The relatives of the wounded [identity redacted] had to pay at least 20,000 bolivianos (US \$2,900) for his operation and treatment.

## 2.4 The State denies responsibility and distorts the facts

Government authorities' version of the events contradicts the numerous eyewitness testimonies of both protesters in the blockade and neighbors who were passing through the area. On November 19, Defense Minister Fernando López said that between 9 and 11:30 a.m. the military intervention was "peaceful, orderly and without consequences." According to the minister, "hordes" overturned walls to attempt to enter the Senkata plant "with sticks of dynamite," to burn a vehicle and steal gas cylinders. The quest to stigmatize protesters continues. According to López, these individuals "were proven to be paid and drunk" and "reflect the worst in our society." He also said that "not a single projectile came from the military" and that "the armed forces maintain the premise of permanent dialogue."<sup>78</sup>

Family testimony established that the first three fatal victims, Clemente Eloy Mamani Santander, Joel Colque Patty, and Deyvid Posto Cusi, were shot between 10 and 11:00 in the morning. In other words, lethal ammunition was used from the start of the operation.

The wall episode occurred when there were already several fatalities and gunshot wounds and when there was fear about the possibility of the bodies disappearing. Numerous testimonies agreed that this entry was forced because state forces were keeping people detained inside the plant.<sup>79</sup> The IHRC received the testimony of a person who was detained at the plant for eight hours and had seen other detainees and an injured and possibly dead person.<sup>80</sup>

The minister's claim that protesters used explosives was never substantiated. No evidence exists of dynamite at the protest. Prosecutors investigating the Senkata incident said they did not find any dynamite sticks.<sup>81</sup> In fact, a video shows the wall came down from the

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<sup>78</sup> See, Defense Minister, *Minister Luis Fernando López Julio toasts at the press conference*, YouTube, Nov. 19, 2019, [https://www.youtube.com/watch?v=BLCDd\\_aJu0I](https://www.youtube.com/watch?v=BLCDd_aJu0I).

<sup>79</sup> Argentine delegation, *supra*, p. 19. Attachment 1.

<sup>80</sup> IHRC, *supra*, p. 21. Attachment 2.

<sup>81</sup> IHRC, *supra*, Attachment 2.

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physical force of a large number of people pushing against it.<sup>82</sup> Another allegation that the minister made to the on November 19 was demonstrators were trying to blow up the gas plant.<sup>83</sup> No evidence exists to support the accusation that day, nor in the previous days. There is no evidence that protestors possessed explosives or firearms.

Finally, repression continued for an extended period of time. The first victims were shot at around 10:30 am, the last between 4:00 and 5:00 p.m. The authorities denied and prevented medical aid to them, and did nothing to stop the violence, promote dialogue or de-escalate tensions. The repression with firearm in the massacre continued for several hours.

## 2.6. Violence continued after the massacre

According to testimonies collected in health centers, victims with serious injuries caused by shots fired by security forces were treated contemptuously and even harassed by doctors and nurses. They affirm that the doctors even told them, “Now we have to save you, blockers,” “You block for 50 bolivianos, and that’s why you ended up here,” and “If you are from Senkata when you are discharged, the police will be waiting for you.”

In some cases, doctors turned in the wounded to the police. Victims also reported plainclothes police personnel who took testimony from them and sought to arrest them in that context.

- **[Identity redacted]** was shot in the foot and left without medical attention for more than a week. When he finally went to the hospital, he was told he needed surgery. He claimed that they wanted to arrest him there, and he had to flee without treatment.
- **[Identity redacted]** affirmed that after 2 days of hospitalization, the police wanted to remove him to arrest him.

In short, the health care facilities posed additional risks for gunshot victims. The effects of the repression occurred outside of the zone where the shooting took place.

Several days after the massacre, a march and funeral procession were organized for the families of the victims, who descended from Alto in the direction of La Paz. On Camacho Avenue, the military prevented the group’s progress. After negotiating, security forces

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<sup>82</sup> Página Siete, *They tear down the wall at the YPFB plant in Senkata and report one death*, YouTube, Nov. 19, 2019, <https://www.youtube.com/watch?v=pU-8D5dKXd0&feature=youtu.be>.

<sup>83</sup> See, Defense Minister, *Minister Luis Fernando López Julio toasts at the press conference*, YouTube, Nov. 19, 2019, [https://www.youtube.com/watch?v=BLCDd\\_aJu0L](https://www.youtube.com/watch?v=BLCDd_aJu0L).

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allowed them to continue through a narrow passage but did not warn that the police were coming from behind. Police attacked them with gas bombs and less lethal weapons.<sup>84</sup>

### **3. Sacaba and Senkata: lack of progress in investigation and witness intimidation:**

On November 16, Cochabamba district attorneys opened four investigations into the violence in Sacaba. The first was for homicide (Art. 251 of the Bolivian penal code), led by prosecutor Lizeth Martínez de Sacaba. The second was for serious and very serious injuries, led by prosecutor Giovanni Campos, also from Sacaba. The third and fourth were criminal investigations against protesters, based on the complaint of an informant, for damage to State. Prosecutor Richard Villaca supervised all the cases. On February 5, prosecutors told the Andean Information Network that they closed the two cases against the protesters for lack of evidence. The remaining two cases became a single case about the massacre with Villaca as lead prosecutor; Martínez continues to be a member of the prosecutorial commission.<sup>85</sup>

Prosecutors Jhoel Ramos Galindo and Ivan Cernadas, from the Special Prosecutor for Life-Threatening Crimes in El Alto, are in charge of the investigation of the Senkata massacre.

There were irregularities in both cases, such as the destruction of evidence and threats to witnesses and victims in the days following the incidents.

According to witnesses interviewed in Sacaba, security forces destroyed evidence. Two witnesses, who did not participate in the march, stated that they had seen state forces washing away blood that covered the streets, using a tank equipped with a water cannon and a hose.<sup>86</sup> These witnesses also observed state forces agents picking up bullet casings from the ground and cleaning the area.<sup>87</sup>

There have also been impediments reported in families' access to autopsies. Prosecutors and their staff created a series of bureaucratic and illegal obstacles: they had to submit a legal document [in violation of Bolivian law], in addition to agreeing to a register that would allow them to be summoned to testify and be investigated themselves for "participating in an armed uprising."<sup>88</sup>

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<sup>84</sup> Attachment 9, Telesur, Bolivia – police officers repressing.

<sup>85</sup> Andean Information Network Interview of the representative of the Sacaba District Attorney's office. February 5, 2020.

<sup>86</sup> IHRC, *supra*, p. 27.

<sup>87</sup> Idem.

<sup>88</sup> Andean Information Network Interview of the representative of the prosecutor's office of Sacaba, November 28, 2019.

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In addition, in violation of established procedures, the prosecutorial team demanded that people present at the massacre hand over their telephones and register them, allegedly for a technological check, that would allow the evidence to be considered in the investigative process. The assistant to the Sacaba Prosecutor's Office stated that if they refused, the evidence would be invalidated.<sup>89</sup>

There were also problems with ballistic reports and missing evidence. There were only three ballistics studies included in the case files, all indicating use of low caliber bullets.<sup>90</sup> In conversations between the Andean Information Network and district attorneys, prosecutors insisted that only three bullets had been recovered. However, the victims' testimonies and medical reports indicate the existence of a much greater number of bullets.<sup>91</sup> On December 12, the director of the Viedma Hospital, where they treated the most serious cases in Sacaba, Dr. Juan José Mendoza, confirmed that projectiles and other evidence collected at the scene had been delivered to the Forensic Investigations Institute (IDIF) as a summons.<sup>92</sup> A projectile extracted from one of the wounded at the Arevalo Clinic in Sacaba has not been requested by the forensic institute to date. That facility treated several wounded with gunshot wounds.

For its part, the Forensic Research Institute (IDIF) issued incomplete autopsy protocols, despite a more than twelve-day delay; many do not have ballistics studies or reference to the bullets extracted in health centers, the distance of the shot and other fundamental elements to determine the facts.<sup>93</sup>

In Senkata, one widow said that her husband's autopsy did not identify the bullet, type of weapon, or trajectory of the shot. They did not let her see the bullet they removed from his body; they took it away and gave him only a death certificate.<sup>94</sup> The relative of another fatal victim in Senkata said that a bullet was removed from his head. They told him it was shot from close-range, but they did not let him take photos of the copper-colored bullet.<sup>95</sup>

The constant intimidation of witnesses is one of the most striking elements of the Sacaba and Senkata massacres. Government officials, doctors, and other health personnel made statements stigmatizing and criminalizing the victims in person and in the press. More serious are the arbitrary arrests of witnesses. A few days after the incident, police arbitrarily

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<sup>89</sup> Ibid.

<sup>90</sup> Attachment 7, part I - pp. 287 to 324.

<sup>91</sup> Video interview of Antonio Cruz Ramírez with Andean Information Network, Interview with Andean Information Network, February 9, 2020.

<sup>92</sup> Andean Information Network Interview, December 12, 2019; Attachment 7.

<sup>93</sup> Attachment 6.

<sup>94</sup> IHRC, *supra*, p. 27.

<sup>95</sup> Idem.

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arrested Ayben Huaranca, who was helping the wounded from the Senkata massacre. Accused of sedition and terrorism, he is still under house arrest. We have recently submitted a complaint about his case to the United Nations Working Group on Arbitrary Detention.<sup>96</sup>

After the massacre, security forces harassed victims and witnesses in health care facilities. Multiple witnesses and at least one health professional who feared reprisals confirmed this.<sup>97</sup> The police also continued to harass residents of the Senkata area in the week following the events. For example, they visited a secondary school and attempted to identify students present at the protest with photographs.<sup>98</sup>

**In short, after seven months, the victims of both massacres have not had access to any form of reparation or had their right to truth and justice respected.**

The victims of Sacaba have access to a lawyer, Dr. Ricardo Leclere, hired by the Six Federations of the Tropic of Cochabamba, an agrarian union of coca producers. The victims affirm that they have been heard in the investigation. It is noteworthy that six tests were carried out in January to determine the direction of the shots, although this was nine weeks after the incidents took place. The commission in charge was made up of Prosecutor Martínez, the representative of the Ombudsman's Office, Marioli Álvarez, IDIF Director Andrés Flores, affected persons, and police. Civil society organizations accompanied the victims, although they were forbidden to take photos.<sup>99</sup> These studies show that all the shots were fired from the direction of the bridge, where the armed forces and police were located.

The police refused to cooperate with investigations, although they play an official role in criminal proceedings. The military did not respond to any of the summons from the prosecution either.<sup>100</sup> Ombudsman Nelson Cox has sent a formal request to the police and the military, requesting information on the Sacaba intervention, seeking to identify the commanders, the units mobilized, the weapons they carried. The police and the military never responded.<sup>101</sup>

A lawyer from the El Alto Permanent Human Rights Assembly represents some of the victims in the Senkata case, but not all of them have a lawyer. We received reports that

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<sup>96</sup> Attachment 2.

<sup>97</sup> IHRC, *supra*, p. 31.

<sup>98</sup> *Idem*.

<sup>99</sup> <https://www.lostiempos.com/actualidad/pais/20200121/idif-hace-6-pericias-determinar-direccion-balas>.

<sup>100</sup> Attachment 7, part I pp. 57 to 59; 71 to 73.

<sup>101</sup> IHRC, *supra*, pp. 28-29. Attachment 2.

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victims have not been informed about developments in the investigation. Prosecutors requested the details of the armed operation of the day of the massacre, but the military refused to share them, arguing they are confidential. An attempt was then made to obtain the information by means of a court. A judge gave the armed forces 24 hours to respond to a court order, but two weeks later, there was still no response. The investigation has been completely suspended due to the Covid-19 pandemic. Forensic reports, crime scene reconstruction and ballistic studies have not been carried out at the site of the massacre.

#### **4. Attachments**

Attachment 1. Report of the Argentine Delegation in solidarity with the Bolivian people, 2019.

Attachment 2. Complaint to the WG on Arbitrary Detention - Ayben Huaranca v. Bolivia, August 2020.

Attachment 3. Testimony of Ruben Ivan Hidalgo Mejía taken in July 2020.

Attachment 4. Permanent Assembly of Human Rights El Alto and APDH Achacachi - Bolivia, letter to Minister Yerko Núñez Negrete, February 13, 2020 (list of deaths and injuries in Senkata until February 2020).

Attachment 5. International Human Rights Clinic (IHRC), Human Rights Program at Harvard Law School; University Network for Human Rights. “They shot us like animals,” Black November & Bolivia’s interim government,” July 2020 Resolution of December 11, 2019.

Attachment 6. Autopsies of the first nine deceased in Sacaba. Annex 7. Case file, Sacaba prosecutor's office.

Attachment 8. Audios - interviews conducted by the Andean Training Network (AIN) on the Sacaba massacre.

Attachment 9. Videos of the Senkata massacre.

Attachment 10. Testimony of Nelly Quispe Villca.

#### **5. Petition**

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In view of the information above, we ask the Rapporteur to declare the Plurinational State of Bolivia responsible for the extrajudicial executions and other human rights violations committed in the Sacaba and Senkata massacres; for the threats, persecution, and arbitrary detention of witnesses, victims and relatives; and for the breach of its obligations regarding the right to truth, justice, reparation and guarantees of non-repetition.

The signatory organizations request that adequate procedures against the Plurinational State of Bolivia be initiated to ensure that the victims have access to justice, reparations and guarantees of non-repetition. This implies that the perpetrators, sponsors, organizers and accomplices of the massacres are held accountable for their actions.

Finally, we ask the Rapporteur on extrajudicial, summary or arbitrary executions to travel to Bolivia to personally monitor the progress of the investigations of the violations denounced in this report.

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