

## AIN GIEI SUMMARY: Santa Cruz and Montero (October 21-October 31) \*

Following the October 2019 presidential election, Santa Cruz had one of the strongest strikes in Bolivia supporting fraud allegations and rejecting electoral results. This three-week protest led by civic leaders, para-state groups like the Santa Cruz Youth Union, and MAS opponents, exceeded the right to protest by limiting the free movement of people through blockades and illegally searching and detaining citizens. Two people died in clashes between right wing protestors and pro-MAS civilians as these groups organized to support or break the blockades. The mainstream press and Civic Committee supporters blamed MAS for the killings. However, the legal system never identified who was actually responsible for these deaths. The police detained and imprisoned dozens, without sufficient evidence, and penalized medical professionals for providing medical assistance. The state prosecutors focused on a political narrative that a MAS government-supported guerrilla group caused the deaths, rather than investigating those responsible for violence and casualties.<sup>1</sup>

#### SANTA CRUZ AND MONTERO<sup>2</sup>

### 2.1 Context:<sup>3</sup>

The Santa Cruz department was the center of protests questioning the 2019 election results. The Pro-Santa Cruz Civic Committee<sup>4</sup> and Santa Cruz Youth Union (UJC)<sup>5</sup> led the strike called

<sup>&</sup>lt;sup>1</sup>AIN is preparing an English summary of the July 23, 2021, Interamerican Human Rights Commission Independent Interdisciplinary Expert Group (GIEI) report. <sup>1</sup> The GIEI's mandate was to investigate violence and human rights violations in Bolivia from September 1, 2019, to December 31, 2019. <sup>1</sup> AIN will publish this summary by section and eventually release a complete breakdown of the report. These are not direct translations. AIN condensed information into timelines, tables, victim narratives, and bullet points, remaining true to the original content of the GIEI report. The corresponding pages of the original report are cited for each section. All photos, maps, and footnotes explaining organizations mentioned in the text are AIN additions and not included in the official GIEI report.

<sup>&</sup>lt;sup>2</sup> Pg. 32-52

<sup>&</sup>lt;sup>3</sup> Pg. 32-34

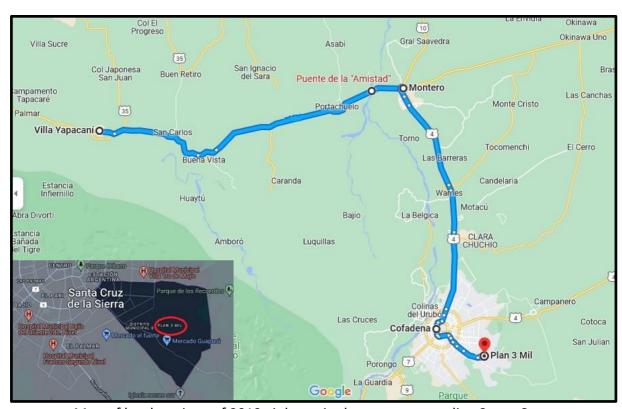
<sup>&</sup>lt;sup>4</sup> The Pro Santa Cruz Civic Committee is a civic group in Santa Cruz that describes itself as "the moral government of Santa Cruz citizens and primary defender of the interests of the population" <a href="https://www.comiteprosantacruz.org.bo/announcement/1950-fundacion-del-comite-pro-santa-cruz/">https://www.comiteprosantacruz.org.bo/announcement/1950-fundacion-del-comite-pro-santa-cruz/</a>

<sup>&</sup>lt;sup>5</sup> The Santa Cruz Youth Union (UJC) is a violent youth group affiliated with the Santa Cruz Civic Committee, which uses the Nazi salute and has been linked to repeated incidents of violence against indigenous and highland residents of the Santa Cruz Department. During the 2019 violence, representatives of the group were also present in the La Paz and Cochabamba departments.

for by CONADE,<sup>6</sup> and organized street blockades. Most violence occurred in the Santa Cruz urban area, its surroundings, and between Santa Cruz and Yapacaní, including Montero. Initially, police unsuccessfully tried to remove the blockades.

The Civic Committee organized nightly meetings to inform people of their decisions and establish business hours for banks and supermarkets. After the start of the strike on October 23, 2019, the blockades became checkpoints to control people's movement. Traffic was extremely limited. People traveling on foot, bicycle, or motorcycle had to identify themselves. Blockade members detained police and required them to identify themselves. From October 23 to 31, violence increased in Santa Cruz and Montero.

# 2.2 <u>Timeline:</u><sup>7</sup>



Map of key locations of 2019 violence in the area surrounding Santa Cruz

# October 21, 2019:

The first people to oppose the election results occupied the southern roundabout in Montero near the Muyurina school. This area became the center of anti-Morales protests

# October 23:

The civic strike began

# October 24:

Sergio Veizaga, a MAS party leader in Montero, led a committee to defend the election results and democracy

<sup>&</sup>lt;sup>6</sup> CONADE is the National Committee for the Defense of Democracy, a leading opposition group.

<sup>&</sup>lt;sup>7</sup> Pg. 34-40

#### October 25:

The committee to defend democracy held a protest on Barrientos Avenue in front of the German Moreno market

- 1000 people organized against the strike
- called on the blockaders to end the strike in the next 72 hours, and threatened to block access of big companies to Montero

MAS supporters fought with Santa Cruz Civic Committee supporters, blocking the highway to Cochabamba near Yapacaní

- members of the Intercultural<sup>8</sup> Federation of Yapacaní<sup>9</sup> and Chapare residents arrived armed with stones, sticks, tear gas, and barrel shields to break the blockade
- the police did not arrive until midnight, despite multiple calls
- destruction and looting of homes
- 2 people injured

#### October 26:

**2-3am:** Civic groups moved into the COFADENA<sup>10</sup> neighborhood yelling "Fucking collas,<sup>11</sup> we're going to kill you" and fights began with firecrackers, sticks, and rocks

- the police dispersed the conflict
- more conflicts flared up

#### **October 26 to 31:**

The COFADENA neighborhood was closed off and the police did not respond to the blockade

- blocked points of entry to the neighborhood with wire
- groups of 20-40 people patrolled the neighborhood day and night
- at least 4 houses looted and 2 houses burned by civic group members

#### October 27:

Farmworkers, unions, and the Six Federations of the Tropics blockaded the Yapacaní bridge

#### October 29:

MAS farmworkers organized to break the Civic Committee blockade on the Amistad Bridge

### October 30:

**Morning:** Clashes began in Montero when election result defenders and COFADENA residents tried to break the Amistad Bridge blockade

<sup>&</sup>lt;sup>8</sup> Interculturales is an ethnic and social group primarily composed of Quechua and Aymara migrants to other regions, especially in the lowlands. They were formerly known as "colonizers."

<sup>&</sup>lt;sup>9</sup> The Intercultural Federation of Yapacaní is the Yapancaní social movement representing interculturales (Quechua and Aymara migrants).

<sup>&</sup>lt;sup>10</sup> COFADENA, La Corporación de las Fuerzas Armadas para el Desarrollo Nacional, is a working-class neighborhood with many migrants from the highlands, known as "collas."

<sup>&</sup>lt;sup>11</sup> "Collas" is a term used for migrants from the highlands in lowland departments. The term is sometimes derogatory and during moments of political violence, right-wing groups often target these people or question their residence in Santa Cruz.



October 30, 2019, conflict in Montero

**Morning:** Members of the United North Young People's [Pro-MAS] group (Juventud Integral del Norte)<sup>12</sup> arrived at the Amistad Bridge with material and medical support for protestors trying to break the blockade

 opposition members blockaded a block 200-300 meters from Amistad bridge with vehicles and motorcycles

**12pm – 5pm:** People heard explosions and gunshots

- 200 to 300 armed Civic Committee sympathizers arrived on the west side of Amistad Bridge from Portachuelo, surrounding MAS supporters on both sides of the bridge
- MAS supporters ran
- police did not intervene despite the presence of police trucks
- Luis Enrique Pedriel Paz, José Luis Ramos Maldonado, Jorge Vaca Mendoza, and Franklin Menacho Núñez were wounded (see Victims)
- four people from COFADENA were shot with pellets
- Argentine citizen Facundo Molares Schoenfeld shot twice in the head while helping a wounded person (See Criminal Charges)
- at least one person carried a rifle
- at least 11 people wounded
- MAS supporters moved up the mountain toward Montero, hiding from people on the road

**4:30pm:** Reported that Adrián Mercado Égüez (43) was shot and transported to San José Obrero hospital in Portachuelo

**Until 9pm:** 7 seriously wounded people arrived at the Alfonso Gumucio Reyes municipal hospital

<sup>&</sup>lt;sup>12</sup> The Juventud Integral del Norte is a pro-MAS young people's group from the Integrated North, which includes Santa Fe, San Carlos, Satelite, Warnes, Montero, Portachuelo, and Yapacaní.

**Night:** The Montero Civic Committee called for reinforcements who arrived from Santa Cruz and entered the COFADENA neighborhood

# *9pm:*

- Mario Salvatierra shot and killed (see Victims)
- Marcelo Terrazas shot and killed (see Victims)
- a taxi-driver shot (see Victims)
- police were present, but only separated groups after the two deaths

# 2.3 <u>Victims:</u>



A TV broadcast after shots were fired on the Amistad Bridge on October 30

Date <sup>13</sup>	Location	Victims
October 23	Plan 3000	~10 people wounded (estimate)
	roundabout, city of	
	Santa Cruz	
October 24	Santa Rita, El Torno	5 people wounded: 2 men, 2 women, and 1 police
	municipality	officer. Received medical attention at the El Torno
		Health Center.
October 24	Km. 13 on the La	Blockaders removed a 25-year-old disabled person
	Guardia highway	from his aunt's home and attacked him. His injuries
		required surgery.
October 27	Highway between	A 14-year-old was assaulted, presumably by people
	La Guardia and	opposing the blockades, who confused the teenager
	Santa Cruz	with a blockade member.
	municipalities	

<sup>&</sup>lt;sup>13</sup> Pg. 33

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October 28	Plan 3000 roundabout	At least 6 people wounded by pellets, multiple contusions, and stab wounds, including Gustavo Mamani Lima, Óscar Álvarez, Jorge Guerra, Beltrán Correa, Juan Carlos Menses, and Aidé V.
October 28	City of Santa Cruz (highway to Cotoca, Viru Viru Bridge, Plan 3000 roundabout, and Palmasola zone)	A person with the initials E.P. was admitted to the Japanese Hospital after being hit with a brick. A 52-year-old with the initials E.A. was admitted to the San Juan de Dios Hospital with non-penetrating stab wounds on the left side of the body.
October 28	Mairana Municipality	People attacked Civic Committee blockade members and entered the municipal hospital to impede blockade members from being treated. Health personnel were forced to leave patients and hide. The hospital director was fired.
October 30 <sup>14</sup>	COFADENA Neighborhood	An estimated 43 people wounded. 17-18 wounded people admitted to the Unimax Hospital and 14 people to the San Antonio Clinic in Montero.  COFADENA residents received medical attention in the neighborhood from a doctor and two nurses.  They did not leave the neighborhood for fear of detention. A baby was admitted to a Santa Cruz hospital due to tear gas asphyxiation.

## October 26: Juan González Acosta<sup>15</sup>

Juan González Acosta was hit with a rock during the conflict in COFADENA on October 26. He was knocked unconscious and received medical attention at the Montero General Hospital.

#### October 30: Mario Salvatierra Herrera<sup>16</sup>

Mario Salvatierra Herrera (54) was shot with a firearm around 9pm in the COFADENA neighborhood. Despite police presence in the neighborhood, the police did not intervene until they learned of Salvatierra and another victim's deaths. A taxi driver, who was also shot, saw Salvatierra fall. The taxi driver met Salvatierra in a group observing the conflict. When Salvatierra tried to escape, he fell and 2 people carried him to an ambulance. Both Salvatierra and the taxi driver received medical attention in the same ambulance. Salvatierra was alive in the ambulance, but in critical condition. Salvatierra died at the Cardio Health Clinic.

Medical analysis concluded that Salvatierra died from thoracic trauma from a .22 caliber bullet.

<sup>&</sup>lt;sup>14</sup> Pg. 42

<sup>&</sup>lt;sup>15</sup> Pg. 35

<sup>&</sup>lt;sup>16</sup> Pg. 42-43

#### October 30: Marcelo Ricardo Terrazas Seleme<sup>17</sup>

Marcelo Terrazas Seleme (48) was shot with a firearm around 9pm in the COFADENA neighborhood. Marcelo Terrazas Rivero, Terrazas's son, brought his father to the Unimax Clinic by motorcycle. When they arrived, he stated is father was shot in the chest and after doctors tried to reanimate Terrazas for 30 minutes, he was declared dead at 9:40pm. Terrazas's son stated there were policemen near the conflict and although he was unable to say how many people there were or who shot the fireman, he thought a civilian shot his father, not a policeman. He stated there were not many shots fired and the conflict ended when the police intervened and used tear gas to disperse the crowd.

Medical analysis concluded that Terrazas died from thoracic trauma from a .22 caliber bullet.

### October 30: Taxi Driver18

At 2pm on October 20, a taxi driver heard that his colleagues, MAS supporters from Yapacaní, were going to break the blockades from Montero to Santa Cruz. Protestors who blockaded the Guabirá Zone gathered at the Amistad Bridge to fight arriving MAS protestors. MAS protestors, seeing themselves outnumbered, moved along the Piraí River toward the January 25 neighborhood in the east of Montero, near the COFADENA neighborhood.

The taxi driver stated there were conflicts all afternoon where people attacked with rocks and firecrackers, especially in the COFADENA neighborhood, January 25 neighborhood, German Moreno market, and Barrientos Avenue. The residents of these neighborhoods were mostly MAS supporters. Around 7pm, after moving into a neighborhood adjacent to COFADENA, the taxi driver waited to see what happened after his colleagues said several civilians were injured and members of the UJC were coming. The taxi driver emphasized in his testimony that the UJC intended to enter the COFADENA neighborhood.

The taxi driver entered the conflict outside COFADENA to the west near a curve in the canal. He stated there was little visibility and people could only see well when firecrackers went off.

The taxi driver heard that COFADENA residents captured one of the opposition members and intended to hold him in the neighborhood (information the GIEI has not confirmed). He and his colleagues moved closer to the conflict and were attacked with firecrackers, bricks, and stones. He picked up a plastic shield on the ground to cover himself. While trying to escape beneath the shield, he felt a blow to his cheek that immediately made him bleed. At first he thought the blow came from a rock, but later realized it was from a bullet. He was later able to leave and receive medical attention from doctors accompanying the UJC from Santa Cruz. The taxi driver received medical attention from an ambulance, then later got out

<sup>&</sup>lt;sup>17</sup> Pg. 40, 43

<sup>&</sup>lt;sup>18</sup> Pg. 40-41, 43

and was driven to the Unimax Clinic in a van with other wounded people. The taxi driver stated he was afraid of being detained while receiving medical aid.

Doctors found a gunshot wound to the taxi driver's right cheekbone. He was taken to the San Juan de Dios Hospital in Santa Cruz for operation on November 1. Doctors removed an 8mm diameter lead bullet. On August 18, 2020, medical forensics investigation by the IDIF<sup>19</sup> identified facial trauma from a long-range firearm. The prosecutor received the projectile, but no expert analysis to determine the caliber has been reported.

# October 30: Jorge Vaca Mendoza<sup>20</sup>

Jorge Vaca Mendoza stated he was wounded on October 30 on the Amistad Bridge. On November 1, IDIF investigation found a blunt wound to the thorax, compatible with firearm wound. The prosecutor did not take Vaca's statement.

# October 30: José Luis Ramos Maldonado<sup>21</sup>

José Luis Ramos Maldonado stated he was wounded on October 30 on the Amistad Bridge. On November 1, IDIF investigation found a semicircular blunt wound to the frontal region and right thigh. The prosecutor did not take Ramos's statement.

#### October 30: David Alba Hurtado<sup>22</sup>

David Alba Hurtado stated he was wounded on October 30 on the Amistad Bridge. A doctor at the Japanese Hospital removed a bullet on November 1, 2019. The prosecutor did not take Alba's statement. The doctor described the projectile as a lead object 9mm in width. The prosecutor received the projectile for analysis but has not reported an expert analysis to determine the caliber.

### *Investigative failures*<sup>23</sup>

No proceedings are on file to find other persons wounded by gunshots, to interview the hospitals and medical providers, or to identify those wounded among the residents of COFADENA. Autopsies of the two victims were incomplete. Analysis by the Argentine Team on Anthropogenic Forensics found that the documents did not contain information or had insufficient information on the persons present at the autopsy; details on acts and objects including distance of shots, type of weapon, and munitions; medical antecedents; means of determination of information; criminal analysis; chain of custody of samples; and photographic images with reference scales. Irregularities were hugely neglectful for investigations.

#### 2.4 Criminal Charges:

<sup>&</sup>lt;sup>19</sup> Institute of Forensic Analysis

<sup>&</sup>lt;sup>20</sup> Pg. 43

<sup>&</sup>lt;sup>21</sup> Pg. 43

<sup>&</sup>lt;sup>22</sup> Pg. 43

<sup>&</sup>lt;sup>23</sup> Pg. 43-44



Elías Nina (in the white shirt) and his uncle David Peñaloza (in the black and red shirt)

### Elías Nina Peñaloza, Iván Cala, and David Peñaloza<sup>24</sup>

Following the violence in COFADENA, people circulated the name and photo of Elías Nina Peñaloza, the head of the MAS youth group in Montero, on social media as responsible for the deaths in COFADENA. Nina saw this image and was informed by his mother that men on motorcycles and the police had searched for him at her house. Nina asked his friend Iván Cala, the head of MAS in Montero, to take him to his uncle in Okinawa, David Peñaloza, on his motorcycle. Blockade members on the highway from Montero to Okinawa detained Nina and Cala on October 31, until the police arrived. The police stated they found six firecrackers, two Molotov cocktails, and a knife on Nina when they detained him. The police detained David Peñaloza where he planned to meet his nephew Nina.

Nina was taken to the FELCC facility in Montero, Cala to the facility in Warnes, and Peñaloza to the facility in Satélite. On November 1, the three men were taken to the FELCC<sup>25</sup> headquarters in Santa Cruz. All three denied being present on the Amistad Bridge on October 30. Members of the Civic Committee told the police they saw Nina in COFADENA on October 30. GIEI witnesses stated the lights were shut off in the neighborhood that night. On November 1, the prosecutor charged Nina, Cala, and Peñaloza with homicide, public incitement to crime, illicit manufacturing, and criminal association. On November 2, they were placed in preventive detention in the Santa Cruz Palmasola Rehabilitation Center. A

<sup>&</sup>lt;sup>24</sup> Pg. 44-45

<sup>&</sup>lt;sup>25</sup> Special Force in the Fight Against Narcotrafficking

gunshot residue test found the presence of residue consistent with a firearm on November 18. The men were released on parole on December 24, 2020.

## Alberto Fuentes Urquiza<sup>26</sup>

Alberto Fuentes Urquiza's name and photograph circulated on social media as responsible for the violence in COFADENA. Fuentes voluntarily turned himself in to the police on October 31. Police brought Fuentes to the FELCC police station in Montero, where he joined Nina, Cala, and Peñaloza, and was transported to the FELCC headquarters in Santa Cruz. The police confiscated Fuentes's phone and gave it the Institute of Scientific and Technical Investigation (IITCUP). Fuentes stated he was on the Amistad Bridge with Deysi Choque during the day but was not in COFADENA during the night.

On November 1, the prosecutor charged Fuentes with homicide, public incitement to crime, illicit manufacturing, and criminal association. On November 2, he was placed in preventive detention in the Santa Cruz Palmasola Rehabilitation Center. A gunshot residue test found the presence of residue consistent with a firearm on November 18. Fuentes received parole on October 11, 2020.



Wilson Rodríguez Peralta

# Wilson Rodríguez Peralta<sup>27</sup>

On October 31, the IITCUP released a video analysis that allegedly identified Wilson Rodríguez Peralta on the Amistad Bridge dressed in camouflage and carrying a gun. After images spread on social media, Rodríguez voluntarily turned himself into the Prosecutor's Office in Yapacaní on November 1. The prosecutor accused Rodríguez of the deaths of Mario

<sup>&</sup>lt;sup>26</sup> Pg. 45-46

<sup>&</sup>lt;sup>27</sup> Pg. 46

Salvatierra and Marcelo Terrazas and wounds to Jorge Vaca Mendoza, José Luis Ramos Maldonado, and others and placed him in preventative detention for 11 months. A gunshot residue test identified residue on both hands, although the expert did not state if this residue indicated a firearm or a different source.



Photo that alleged the participation of Wilson Rodríguez Peralta in the Amistad Bridge conflict

# Bismark Choque Arnez and Deisy Judith Choque Arnez<sup>28</sup>

On October 31, personnel from the DACI group and the FELCC Montero unit inspected the home of Bismark Choque Arnez and Deisy Judith Choque Arnez in the Nuevo Amanecer neighborhood in Montero. Reports claimed the involvement of the two in the COFADENA violence and the house as the center of planning for groups that arrived at the Amistad Bridge and COFADENA. The police found a camouflage uniform, a wiphala flag, and 12 firecrackers in the house. The police apprehended Deisy Judith Choque Arnez in the neighborhood on November 25, and accused her of homicide, criminal organization, and public incitement to crime on November 26. Her preventive detention ended on August 11, 2020.

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<sup>&</sup>lt;sup>28</sup> Pg. 46-47



Deisy Choque at the time of her arrest

# Sergio Veizaga<sup>29</sup>

Prosecutors accused Sergio Veizaga of homicide, criminal association, public incitement to crime, and illicit fabrication on August 18, 2020. Due to the wounds he received during the conflict and threats, he did not turn himself in to the police out of fear.

### Facundo Molares Schoenfeld<sup>30</sup>

On November 12, FELCC police identified Facundo Molares Schoenfeld at the Japanese Hospital in Santa Cruz. He had a fracture at the base of his skull, cervical trauma, chest wall trauma, and bullet wounds. That night, Molares's father arrived from Argentina. Police arrested him and his partner and confiscated their cell phones. From an analysis of these phones' content, the Attorney General concluded that Molares fought on the Amistad Bridge and that Emanuel Castedo and Oscar Martin Serna assisted him after being wounded.

On November 20, the Forensic Investigative Institute (IDIF) detected nitrates and nitrites on Molares's abdomen, arms, forearms, and hands. The analysis did not specify if the residue indicated use of a firearm. On November 28, the police formally arrested Molares at the hospital, accusing him of homicide, criminal association, and public incitement to commit a crime. After 25 days in intensive care, 23 in an induced coma, Molares left the hospital in police custody with his hands and feet tied. On December 6, the police put him in preventive detention in the Chonchocoro maximum security prison in La Paz. On December 6, 2020, the Bolivian government authorized Molares's repatriation to Argentina for humanitarian reasons. He stands accused of the homicides of Mario Salvatierra Herrera and Marcelo Ricardo Terrazas Selene, criminal association, and public incitement to crime.

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<sup>&</sup>lt;sup>29</sup> Pg. 47

<sup>&</sup>lt;sup>30</sup> Pg. 47-48



Facundo Molares in a coma at the Japanese Hospital

#### Oscar Martín Serna Ponce<sup>31</sup>

Criminal investigations focused on proving the existence of an armed civilian guerilla group supported by the government. This theory claimed that the group carried out attacks on strikers. The prosecutor sustained that Oscar Martin Serna Ponce allegedly led or participated in homicide, criminal association, and public incitement to crime due to his alleged membership in the Túpac Amaru Movement<sup>32</sup> (MRTA) guerilla group. They claimed Facundo Molares helped Serna, a Peruvian citizen, get a passport. The police identified another person, who brought the passport to Serna, who provided a statement and turned her phone over to investigators.

On October 27, 2020, the police accused Serna as an accomplice to homicide, criminal association, and public incitement to commit a crime. On December 3, they issued a warrant for his arrest and formally charged him on December 13. On October 27, 2020, Serna asked the court to drop the charges, because they had not allowed him to contact the Peruvian consulate during the judicial process. They closed the case after virtual trial to hear Serna's arguments.

### Alpacino and Paolo Mojica Gutiérrez<sup>33</sup>

On December 11, the police arrested Alpacino and Paolo Mojica Gutiérrez during a search of Oscar Martín Serna Ponce's house. On December 12, a judge dropped all charges against Paulo and ordered pre-trial detention for Alpacino in the Palmasola prison. He was held for three months and released on bail on February 27, 2020. His charges were dismissed on October 2, 2020.

# **Criminalization of medical attention for Facundo Molares**

<sup>31</sup> Pg. 48-49

<sup>&</sup>lt;sup>32</sup> The original GIEI report erroneously listed the movement as the Movimiento Revolucionario Túpac Katari (MTRK)

<sup>33</sup> Pg. 49

#### Flora Guzmán Totola, Abner Emilio Castedo, and Emanuel Bandan Castedo<sup>34</sup>

On October 30, after Facundo Molares was wounded on the Amistad Bridge, protestors moved him to the COFADENA neighborhood, and then to the Guzmán family house on November 3. Dr. Flora Guzmán Totola and her sons Abner and Emanuel provided him medical aid. On November 11, they transferred Molares by ambulance to the Foianini Clinic in Santa Cruz because of his critical condition.

The police arrested Emanuel and Abner Castedo in their home on November 15 and charged them with providing medical attention to Molares without informing the police. The police detained their mother, Flora, at 2:30pm the same day. On November 16, the police charged Guzmán and both her sons as accomplices to homicide and for criminal association. On July 9, 2020, the prosecutor offered Flora a plea deal for the crime of concealment and offered the same plea deal to both Castedos on August 14, 2020. On August 17, the prosecutor dropped the homicide and criminal association charges and formalized the plea deal on August 20. Guzmán received a two-year prison sentence for obstruction of justice.

## Mirtha Mery Sanjinés Alcocer, Suany Rojas Vaca, and Rolando Méndez<sup>35</sup>

During the search of the Guzmán-Castedo home, prosecutors found an oxygen tank, belonging to Mirtha Sanjinés Alcocer, used to aid Molares. Police arrested three members of the Alfonso Gumucio Reyes Hospital staff: Suany Rojas Vaca and Rolando Méndez (November 15), and Sanjinés (January 4, 2020), accused of allowing a cat scan for Molares, providing an oxygen tank, and getting an ambulance to transport Molares to Santa Cruz de la Sierra. Méndez, the ambulance driver, and Rojas, the hospital cashier, were also accused transporting Molares by ambulance. As of the publication of the GIEI report, Sanjinés had provisional liberty but her case continues. Prosecutors dropped the charges against Méndez and Rojas.

# 2.5 GIEI Findings:<sup>36</sup>

- 1. Although investigations progressed, Mario Salvatierra and Marcelo Terrazas's killers have not been found, leading to impunity and violating their families' right to justice.
- 2. Prosecutors focused on proving the existence of a guerilla armed civil group supported or allowed for by the state, impeding the investigation of the homicides and violence.
- 3. In some cases, prosecutors and the FELCC police moved quickly on cases and preventive detention, resulting in incomplete investigations and insufficient evidence that the accused committed the crimes attributed to them. This was the case for Iván Cala, arrested solely for transporting Elías Nina, and David Peñaloza, arrested for meeting his nephew, Nina, so he could stay at his house. Both were imprisoned for over a year.

<sup>34</sup> Pg. 49-50

<sup>&</sup>lt;sup>35</sup> Pg. 50

<sup>&</sup>lt;sup>36</sup> Pg. 50-52

- 4. The Santa Cruz Civic Committee requirement that citizens obtain permits to circulate during blockades was not included in the right to protest. A private organization cannot limit the free movement of people. Organizations and protestors did not have the legal right to search cars and private and public property, to limit the provision of essential public services, and to establish hours for businesses.
- 5. The State only attempted briefly, and with insufficient resources, to prevent the surrounding of the COFADENA neighborhood and other conflicts.
- 6. Although there was contradictory information on October 30, 2019, on people from outside the city arriving to break blockades, COFADENA residents were marginalized and besieged. Racial and social prejudice against residents of the neighborhood existed before the 2019 crisis.
- 7. The State did not responsibly investigate incidents on the Amistad Bridge at noon on October 30, 2019. There is no information on the number and condition of wounded persons, the context of the conflict, or those responsible.
- 8. There was no medical assistance provided to those wounded on the Amistad Bridge and in COFADENA. Civic protestors pressured the only medical professional who worked in COFADENA on October 30 to leave.
- 9. Facundo Molares is accused of the homicides of Mario Salvatierra Herrera and Marcelo Ricardo Terrazas. Yet, he was wounded during the midday conflicts on the Amistad Bridge, and thus could not have participated in the violence that night. The police tied Molares by his hands and feet in his hospital bed, in serious violation of his rights to dignity and health.
- 10. Flora Guzmán, Abner Castedo, Emanuel Castedo, Mirtha Sanjinés, Suany Rojas, and Rolando Méndez were persecuted for providing medical assistance to Facundo Molares and placed in preventive detention for complicity to homicide and criminal association. Doctors and health services have a responsibility to inform the State of wounded persons who may have participated in criminal activities. However, failing to do so is not enough to presume medical professionals are complicit in the crime. An administrative sanction is a reasonable response. Due to the lack of evidence that any of the six persons participated in material or intellectual acts leading to homicide, the GIEI concludes they were improperly penalized.

<sup>\*</sup>Estelle Shaya translated and summarized this document in coordination with Carolina Gálvez and Kathryn Ledebur.