



Ombudsman Report Executive Summary



State Crisis

Violation of Human Rights in Bolivia
October - December 2019



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1. Introduction

We can only understand the context of what we live in Bolivia today through a critical and reflective look at history past and present. If our horizon is to build peace from a world with justice, we necessarily have to understand the circumstances in which Bolivia set the precedent to be a country; and this is necessarily linked to the colonization process we had to live and endure, and how the colonial State foreshadowed the conditions for the existence of the future republican State itself.

The colonial condition is what marked the exclusionary and racist power relations, which became the ideology of domination in our continent, and in a heightened manner in Bolivia, where the diversity and number of original indigenous peoples expressed the roots and identity of these territories. This colonization factor is the one that clearly marked the republican horizons by defining that, the republican state was born excluding the indigenous majority from the possibility of being citizens.

In the most Indian people of the continent, the struggle for the self-determination of indigenous and native peoples was a permanent demand against colonization that remained beyond the Colony itself, becoming part of the republican structures and it finally defined the relationship of the State with the popular ensemble. The struggle, the uprising, the insurrection; and also, the massacres and the structural exclusion of the majority became part of our history, which did not seem to have a point of return in the liberal context and globalization, but in the ancestral memory of the original peoples of our country.

In this context, from 2006 to 2009, Bolivia debated its “being” within the Constituent Assembly. Throughout the constitutional text, the coexistence between the different ways of understanding the country was proposed. Along with individual rights, which were a liberal achievement of the Europe that witnessed the French Revolution, and

that became the parameter of the constitutionalism with which our Republics were inaugurated; the inclusion of collective rights of the nations and native-indigenous and peasant peoples, which have cost so much struggle and blood to the peoples in our Continent was to be finally recognized even by the United Nations.

The Political Constitution of the Plurinational State expressed this kind of strategic tie between both positions, when it recognizes the republican existence, but incorporates the plurinational dimension, and does so with the economy, the politics of representation, justice and other aspects that make up its order. This left the peoples and the Plurinational State itself the task of weaving interculturality and plurinationality as a reality under construction, which, over the years, was entering a stage of crisis in the face of the deinstitutionalization and delegitimization of the State, which finally gave way to a systematic violation of human rights in our country that claimed 37 human lives, hundreds of injured people, the naturalization of acts of discrimination and racism, among other various human rights violations.

The Ombudsman's Office, in observance of its constitutional and legal powers, has followed up and monitored the events that occurred between October and December 2019, the analyzed and founded results of which are presented in the Report entitled "State Crisis. Human Rights Violations. October to December 2019".

2. Special reports from human rights bodies and organizations

The document includes special reports from human rights bodies and organizations. Among which are: Inter-American Commission on Human Rights (IACHR), "IACHR presents its preliminary observations after its visit to Bolivia" of December 10, 2019; Harvard Human Rights Clinic, "They shot us like animals: Black November and the Interim Government of Bolivia" of July 27, 2020; Amnesty International, "Bolivia: Amnesty International denounces impunity in human rights violations committed during post-election crisis" of August 20, 2020; Office of the United Nations High Commissioner for Human Rights (OHCHR), "The situation of Human Rights after the general elections of October 20, 2019 in Bolivia" of August 24, 2020; Institute of Therapy and Research on the consequences of Torture and State Violence (ITEI), "Torture and mistreatment in the events of November 2019 in La Paz - Bolivia" of June 4, 2020.

All the cited reports issue recommendations to be implemented or followed by the transitional government; many of them on the same points, which is why the concurrences identified in the recommendations issued by the previously cited reports are systematized below:

General Recommendations	IACHR	Harvard Human Rights Clinic	Amnesty International	OHCHR	ITEI
Guarantee prompt, independent, impartial, exhaustive, transparent and effective investigations of all the alleged human rights violations and abuses that occurred during the post-election crisis, and provide comprehensive reparation to all victims and their families.	Rec. 1 – 5 – 9 - 13	Rec. 1 – 4 – 5 – 10 - 11	Rec. 1 – 2 – 3 – 4 – 6 – 7 – 14 - 17	Rec. 1.1 – 3.3	Rec. 1 – 2 – 3 -
Take measures aimed at the cessation of violence and armed repression of social protests, as an ideal means. To do this, suspend the massive deployment of members of the Armed Forces and Police in the streets of the cities and towns of Bolivia. Likewise, immediately cease the repression of the protesters and the arbitrary detention of those who participate in the protests, as well as guarantee the life, integrity and safety of all the people who are demonstrating and exercising their rights and public freedoms. Dismantle the private armed groups that have exercised violence against the civilian population throughout the country, whichever side they are.	Rec. 3 - 4 - 14	Rec. 2 - 3	Rec. 5	Rec. 2.1 – 2.2 - 2.3-2.4 - 2.5	Rec. 1
Ensure that the Ombudsman's Office is protected against any form of pressure, attacks or retaliation related to its work; ensure that any aggression and intimidation action against the institution and its staff is investigated.	Rec 8	Rec. 8	Rec. 10 – 11 – 12 - 15	Rec. 5.1 – 5.2	
Promote a safe and conducive environment for human rights defenders, social leaders, journalists and other civil society actors, including the systematic and public condemnation of any act of intimidation against them and the establishment of a protection mechanism equipped with sufficient resources, which guarantee the safety of those who are at risk.	Rec. 2 – 10 - 11	Rec. 8 - 9	Rec. 8 - 16	Rec. 7.1-7.2- 7.3	
Promote compliance with judicial guarantees avoiding arbitrary and illegal detentions or undue persecution.	Rec. 9	Rec. 7	Rec. 9	Rec. 3.4	Rec. 4.5.



From the comparative synthesis of the table above, it can be seen that the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), the Harvard Human Rights Clinic, Amnesty International and the Institute for Therapy and Research on the Aftermath of Torture and State Violence (ITEI), developed a series of recommendations regarding the events of conflict that arose after the electoral process of October 20, 2019.

The recommendations to the Bolivian State revolved in relation to five central pillars that we will develop below.

2.1. The impartial, prompt and transparent investigation of all human rights violations caused by individuals and state agents of the public order forces and the Executive Branch, during periods of conflict, with a view to comprehensive reparation for the victims.

2.2. Immediately suspend the violent or intimidating actions of the Bolivian Police and the Armed Forces, and those committed by organized groups of individuals (parastatals) that encourage a climate of violence and insecurity against the rest of Bolivian civil society; ensuring their dismantlement.

2.3. Guaranteeing the operating conditions, without damaging attacks or threats against the work of human rights defenders, the Ombudsman's Office and its public servants. Emphasizing that the violations committed against these people are investigated and sanctioned.

2.4. Promote scenarios that protect freedom of thought and expression of human rights defenders, journalists and other actors of civil society, emphasizing that the lawful performance of their functions contributes to social peace and promotes access to information for all Bolivian population.

2.5. The immediate cessation of violations against the right to personal liberty. Avoid undue or illegal arrests, and of those who have ongoing investigations. Respect for the jurisdictional guarantees put in force by the Political Constitution of the State.

The foregoing presupposes that the facts presented in this report are a harmonious reflection of each and every one of the human rights violations reported by international protection organizations (universal and regional), as well as the violations denounced by international organizations of great importance in the protection of human rights, as well as specialized national institutions.

3. Analysis topics

The document contains the actions carried by the Ombudsman's Office, testimonies of the victims, facts, legal analysis and the identification of human rights violations. On this last point the detail is as follows:

Identification of violations of Human Rights: Plurinational State and rights of nations and native indigenous peoples and peasants, The Plurinational State Vs. The Republic; Acts of racial discrimination and racism, Attacks on peasant native indigenous people and organizations, as an attack on the Plurinationality of the State; Attack on representative symbols of peasant native indigenous nations and peoples, as a sign of contempt for the Plurinational State.

Right to Life: Violations of the right to life committed by individuals and State agents in light of the Universal System for the Protection of Human Rights; Violations committed against the right to life from the perspective of the Inter-American System for the Protection of Human Rights; Block of Constitutionality and internal legal order violated by the loss of human lives during the post-electoral conflict; Responsibility of the State for violations of the right to life committed by individuals.

Right to personal integrity: Violations committed by individuals; Omission of security functions attributable to the Bolivian Police; Violations of psychological and moral integrity; Violations of sexual integrity; Violations of physical integrity (Torture) in La Paz, Cochabamba, Santa Cruz, Potosí and Tarija.

Omission of protection functions by the Bolivian Police: Violations attributable to state agents; Excessive use of force; Prohibition of torture and other cruel, inhuman, degrading or humiliating treatment or punishment.



Personal freedom; Access to Justice; Non-existent or ineffective investigations; Obstruction of investigations and interference with judicial independence; Amnesty legislation that increased repression and sought to generate impunity.

Freedom of expression: Lack of protection measures for press workers; Attack by individuals on media facilities; Direct and indirect coercion suffered by the media that held a political line contrary to the Government; Danger of failure to guarantee the work of formal media and press workers in contexts of social conflict.

Right to health: Violation of the right to non-discrimination and equal treatment in access to health; Attacks on medical personnel and restriction of ambulance circulation.

Right to Non-Discrimination: Violation of the Right to Non-Discrimination perpetrated by individuals with permissibility and oversight of the State; Violation of the Right to Non-Discrimination due to political ideology; Violation of the Right to Non-Discrimination on the basis of color, origin and culture.

Rights of Migrants in Bolivia: Persecution of Cuban Doctors; Xenophobia and stigmatizing speeches.

Right to peace within the framework of human rights.

Pacification processes without the will to pacify.

Obstruction of the work of human rights defenders; Limitation of the work of the Ombudsman's Office (aggression against its officials and authorities); Intimidation carried out against leaders and officials of the SEPRET (Organization for the Prevention of Torture).

Right to reparation; Right to the truth; Right to material reparation; Rehabilitation (Access to health); Guarantees of non-repetition; Social reconciliation as a guarantee of non-repetition.

Duty of collaboration with the Ombudsman's Office.

In addition, conclusions and determinations.

4. Conclusions

In accordance with the well-founded analysis set forth in the report, as well as the national and international normative and jurisprudential framework, the Ombudsman's Office concludes:

4.1. It is noted that the process of construction of the Plurinational State model based on plurinationality, interculturality and pluralism is at risk, based on different acts of offense, among which political polarization based on radical and conservative positions were warned; facts of discrimination and racism; violation of the principle of secularism materialized in the imposition of the use of the Bible as a central element of the State; attacks on rural native indigenous people and organizations; the insult to the Wiphala as a representative symbol of the nations and native indigenous peoples and of multinationality; as well as the police and military repression directed at protesters self-identified with a native-peasant nation and indigenous people.

4.2. The delegitimization and deinstitutionalization of the Executive and Electoral Bodies, which unleashed in the State crisis, led to a generalized context of human rights violation during the conflict, lacking a conflict management process by Government Authorities, violating the right to peace and state values, among others, of unity, equality, inclusion, dignity, freedom, solidarity, reciprocity, respect, complementarity, harmony, balance, common welfare, responsibility, social justice, to live well.

4.3. The discursive lines of the citizen and political organizations announced that a possible victory of the MAS-IPSP candidates would be disregarded and the results would be resisted, to these extremes was added the absence of state responses, leading to civic and social mobilizations that ended in clashes between civilians, deepening the political crisis that arose in Bolivia, preventing the development of a social dialogue, timely and diversified in the State.

4.4. There has not been, nor is there a real pacification process in the country, although social mobilizations and road blockades have ceased, the joint operations of the Bolivian Police and the Armed Forces, as well as exempting them from criminal responsibility (provided for in Supreme Decree No. 4078); the persecution of political



opponents; the systematic violation of human rights and the cloak of impunity over them will not allow the restoration of peace and harmony in the Plurinational State of Bolivia.

4.5. The twenty (20) deaths that occurred in Sacaba and Senkata, during the joint operations of the Bolivian Police and the Armed Forces, constituted massacres, as the crime of Murder was committed systematically, against the civilian population and under the knowledge, orders and instructions issued by the Transitory Government, characteristics that constitute a crime against humanity. Likewise, the two (2) deaths that occurred in the integrated north of the Department of Santa Cruz and the death (1) that occurred in the municipality of Betanzos of the Department of Potosí, having the characteristics already described, also constitute murders under the modality of crimes against humanity.

4.6. The three (3) deaths that occurred in the conflicts in the Ovejuyo, Pedregal, Rosales and Chasquipampa areas of the city of La Paz during the intervention of the Bolivian Police and private individuals with their acquiescence, constitute crimes against humanity, since they have been committed in a systematic way, against the civilian population and responding to an organization (police officers and civilians with white helmets) to commit said attack; as well as the death (1) that occurred on November 11 in the municipality of Sacaba in the department of Cochabamba.

4.7. The ten (10) deaths in the La Paz, Cochabamba and Santa Cruz Departments, which include police officers and a press worker, constitute acts of Murder, Homicide or other crimes against the Right to Life, caused by private individuals and the omission of the Bolivian Police to provide security to the population.

4.8. Among the ten (10) deaths that occurred in the Departments of La Paz, Cochabamba, and Santa Cruz, two (2) were members of the Bolivian Police, as well as public servants of the Police, they received attacks, assaults, burning and looting of their facilities violating their right to life, personal integrity, personal safety and dignity.

4.9. In the arrests carried out on November 11 in the Ovejuyo, Rosales, Pedregal and Chasquipampa areas of the city of La Paz; those in the areas of Ciudad Satélite,

Villa Dolores, Faro Murillo and Villa Adela of the city of El Alto and their subsequent referral to Police Districts 4 and 3, the General Command of the Bolivian Police and the Special Force for the Fight against Crime of the city of La Paz, and during the custody of the detained persons, the Bolivian Police committed acts of torture.

4.10. The intervention to social protests carried out by the Bolivian Police, in the first stage of citizen mobilizations, generated in at least 5 people, serious damages to their personal integrity (skull fracture, loss of the eyeball, among others), breaching the principles of proportionality, necessity and humanity established in the Basic Principles on the Use of Force and Firearms by Officials in Charge of Enforcing the Law.

4.11. In the intervention and apprehensions carried out on November 11 in the areas of Ovejuyo, Rosales, Pedregal and Chasquipampa in the city of La Paz, and La Ceja in the city of El Alto, the principles of proportionality, necessity and humanity were breached in the use of public force by the Bolivian Police, by not adapting its actions to the Basic Principles on the Use of Force and Firearms by the Officials in Charge of Enforcing the Law.

4.12. In the joint operations carried out in the integrated north of Santa Cruz on November 12 and 13, Betanzos on November 12, Sacaba on November 15, Senkata on November 19 and the center of the city of La Paz on November 21 against people who were demonstrating or were found circumstantially in the aforementioned sectors, the Bolivian Police and the Armed Forces of the State violated the right to personal integrity by not adapting their actions to the Basic Principles on the Use of Force and Firearms by Officials Enforcers of the Law.

4.13. The seizure, siege, burning and looting of public and private institutions, as well as homes and private properties, generated anguish, anxiety, terror, anxiety and fear of dying in public servants, residents of the homes, users and neighbors, thus violating the obligation to guarantee their rights through the prevention of damages to personal integrity by omission of the Bolivian Police.

4.14. During the first stage of the conflict, the exercise of violent acts between private individuals caused serious and permanent injuries and damage to personal integrity, such as broken bones (legs, fingers, collar bones, etc.), severe head trauma, injuries



caused by projectiles or bladed weapons, among other injuries that even affected people in vulnerable situations, under the permissiveness of the Bolivian Police.

4.15. The cases of harassment, humiliating and discriminatory acts, assaults of a physical nature (committed against P.K.A.S. and Patricia Arce Guzmán), and even of a sexual nature (committed against the victims of the events that occurred in Vila Vila on November 9 and the family of the brother of the former President of the Chamber of Deputies Víctor Borda), constitute acts of torture committed by private persons, in which the Bolivian Police failed to comply with its obligation of prevention as well as that of providing timely aid to the victims.

4.16. Parastatal groups were formed and implemented, which assumed and still assume the internal security functions of exclusive competence of the Bolivian Police; carrying systematic intimidation actions that affect the dignity and integrity of specific sectors of the population, causing serious and permanent injuries and damage to personal integrity, as well as the disturbance of private and public property and social organizations under the tolerance and complicity of the Bolivian Police.

4.17. Given the public insecurity generated in the areas of Ovejuyo, Rosales, Pedregal and Chasquipampa in the city of La Paz, Ciudad Satélite, Villa Dolores, Faro Murillo and Villa Adela in the city of El Alto, the municipality of Sacaba in the department of Cochabamba and the Integrated North of the Department of Santa Cruz, between the second and third stages of the conflict, the Bolivian Police and private individuals with their acquiescence made arrests. However, it was identified that several were illegal and arbitrary as they occurred indiscriminately and targeted people who were not committing any illicit act, based on prejudices such as the place of residence or even the way of dressing and not individualizing detention hours; thus, breaching the purpose and legal assumptions of the arrest or apprehension.

4.18. Between the second and third stages of the conflict, in the areas of Ciudad Satélite, Villa Dolores, Faro Murillo and Villa Adela in the city of El Alto and the municipality of Sacaba in the Department of Cochabamba, the collection of material evidence carried out by the Bolivian Police, such as the elements allegedly looted from different police stations (shields, tear gas grenades, vests, among others) was carried

out in a disorderly manner and attributing discretionally to the detained with little to no grounds, in order to promote criminal prosecution based on highly questionable evidence.

4.19. The people detained in the city of El Alto on November 11, 2019 were publicly presented by the police authorities as the perpetrators of the criminal acts that occurred on that date without having been tried and convicted within the framework of due process, thus violating their right to the presumption of innocence.

4.20. Access to justice has not been guaranteed to the victims of human rights violations that occurred in the three stages of the conflict, since the reasonable periods established in the criminal adjective rule have been exceeded, there is no due diligence in obtaining and safeguarding the evidence and not even the alleged perpetrators have been identified. This situation, in the light of International Human Rights Law, is aggravated in cases of massacres, murders against humanity and torture in which the Bolivian Police and/or the Armed Forces intervened directly.

4.21. The Bolivian Police, the Armed Forces and the Public Ministry (Prosecutor's Office) have violated the right to the truth through illegal actions aimed at eliminating, altering or conditioning the elements of conviction, as the intimidation of witnesses and victims, alteration of the scene of the crime, disappearance of evidence and the issuance of expert evidence that does not meet technical standards.

4.22. The public statements of high-ranking officials of the Transitional Government on the course that criminal investigations should follow represent a serious risk to the independence of justice operators, as their purpose is to avoid or minimize state responsibility in serious human rights violations. occurred in the three stages of the conflict.

4.23. Direct intimidation, restriction of movement, damage of work instruments and personal property, humiliation and acts of discrimination, arbitrary retention, threats to the personal safety and life of press workers and even their families during the conflict, they violated the rights of press workers to be protected by the State.

4.24. The impact on the rights of the workers of the press added to the suspension of the regular transmission of communication media such as Bolivia TV, Abya Yala, UNITEL, Radio Patria Nueva, Radio Comunidad, among others, as well as the suspension of printing of various newspapers such as La Razón, Página Siete, Opinion and Los Tiempos due to the lack of state protection, violated the right to freedom of expression, information and communication.

4.25. Stigmatizing statements by former and currently serving high-ranking officials of the Transitional Government, with the intention of intimidating national and foreign journalists, as well as community radio stations not subscribing to the government line, violated the right to freedom of expression with special emphasis on its components of plurality and diversity.

4.26. The right to health has been violated through discriminatory acts based on origin, culture, political ideology and economic condition, by the health personnel of the Boliviano Holandes hospitals in the municipality of El Alto, Los Pinos in the municipality of La Paz and Yapacaní in the Department of Santa Cruz, having denied proper care to the wounded, between the second and third stages of the conflict.

Furthermore, the State has not guaranteed the free circulation of ambulances during the conflict, affecting timely access to health services.

4.27. Acts of discrimination and racism have been committed on the basis of color, culture, origin and political ideology during the conflict, in particular against women from pollera, a population belonging to the West and East of Bolivia, Afro-Bolivian people, and those from rural and peri-urban areas affecting their dignity and equal treatment for the full exercise of their rights, under tolerance, acquiescence or state negligence.

In addition, discrimination based on ideology or political affiliation has been exacerbated during the conflict, generating a special stigmatization in the population identified with discordant political positions.

4.28. The statements with xenophobic characteristics, especially against citizens of Venezuelan, Cuban and Argentine origin, made by the High-Ranking Executive

Authorities of the Ministries of Government and Health, and the former Ministry of Communication, have violated the prohibition of discrimination based on origin national and the principle of equality in a collective dimension, to foreign citizens who live or are in transit in Bolivia.

4.29. Discrimination based on national origin led to the illegal detention and subsequent “repatriation” of four Cuban doctors, violating their rights to liberty and residence, by the Bolivian Police and the Ministry of Government.

4.30. Comprehensive reparation measures were not generated in accordance with the standards of international human rights law for the victims of human rights violations that arose during the conflict; Since Supreme Decree 4100 limits its scope to financial compensation that does not even meet the standards of the compensation component, also violating access to international systems for the protection of human rights.

4.31. Direct coercion, acts of physical and psychological violence, humiliation and acts of discrimination, arbitrary retention, restriction of movement, damage of work instruments and personal and institutional property, siege of defense facilities, threats to the personal safety and life of the and the public servants of the Ombudsman’s Office and even their families, restricted the constitutional mission of ensuring the validity, promotion, dissemination and fulfillment of human rights during the conflict, given the lack of special protection that the State must guarantee.

Likewise, the public servants of the Service for the Prevention of Torture - SEPRET, were threatened during the performance of their duties, consequently their functions were restricted.

4.32. The lack or issuance of responses that deny access to information to the Ombudsman’s Office, by the Ministry of Government, Ministry of Defense, General Command of the Police and the Public Ministry (Prosecutor’s Office), hampered the exercise of powers in the investigation of violations of human rights, breaching their constitutional and legal duty of collaboration.

5. Ombudsman's Office determinations

The Ombudsman of the Plurinational State of Bolivia within the framework of Article 218 and in use of the powers conferred by Numerals 3, 4 and 5 of Article 222 and 223 of the Political Constitution of the State in accordance with Articles 24, 25, 26 and 27 of Law No. 870 of December 13, 2016, on the Ombudsman, determines to:

RECOMMEND:

FIRST: To the Public Ministry (Prosecutor's Office) and the Judicial Branch, in accordance with the provisions of Articles 110, 111, 179 and 225 of the Political Constitution of the State; Article 16 of Law No. 1970, of March 25, 1999, Code of Criminal Procedure; Article 4 of Law No. 025, of June 24, 2010, on the Judicial Branch; Articles 3, 8 and 12 of Law No. 260, of July 11, 2011, Organic Law of the Public Ministry, investigate, until achieving the clarification of all human rights violations that occurred during the conflict in order to identify and punish to those responsible, highlighting the following:

- The events that occurred in the joint operations of the Bolivian Police and the Armed Forces on November 15 and 19, in the Sacaba and Senkata Massacres, when evidence of the existence of elements that constitute murder under the characteristics of against humanity, excessive use of force, illegal detentions and other violations of the rights to life, personal integrity, liberty and equality and non-discrimination were demonstrated.

- The events that occurred in the interventions of the Bolivian Police and individuals with their acquiescence that occurred in the areas of Ovejuyo, Pedregal, Rosales and Chasquipampa of the city of La Paz on November 11, the one that occurred in the municipality of Sacaba on the same date; and in the joint operations of the Bolivian Police and the Armed Forces that occurred in the integrated north of Santa Cruz on November 12 and 13 and Betanzos on November 12, when evidence of the existence of elements that could configure the crime of murder under the characteristics of injury humanity, torture, excessive use of force, illegal detentions and other violations of the rights to life, personal integrity, liberty and equality and non-discrimination were witnessed.

- The acts committed against the public servants of the Bolivian Police and the Armed Forces referred to the murder, assaults and threats; as well as the burning and looting of police facilities that occurred during the conflict, which violated their right to life, personal integrity, personal safety and dignity.

- The deaths that occurred during and as a result of the conflict.

- Cases of torture committed by police officers against people in their custody, which occurred in the interventions and arrests carried out on November 11 in the cities of El Alto and La Paz.

- The acts of torture committed by private persons against P.K.A.S. on October 31 in Santa Cruz in the Sierra and Patricia Arce Guzmán on November 6 in Vinto - Cochabamba, by configuring the same serious effects on the rights to personal integrity and non-discrimination of the victims; and those committed in Vila Vila on November 9 and against members of the family of the brother of the former President of the Chamber of Deputies Víctor Borda (identified in this report) on November 10 in Potosí, by configuring the same acts of violence with sexual character and the crime of torture.

- The acts committed against Víctor Hugo Vásquez and his relatives, Saúl Aguilar Torrico, Ester Morales Ayma, Esteban Urquizo, Omar Aguilar, Juan Carlos Cejas, Williams Cervantes, Víctor Borda and his relatives, David Ramos, César Navarro and his nephew, Mabel Montaña , Waldo Albarracín and his family, Casimira Lema, Mario Cronenbold, Nelson Condori and Soledad Chapetón, referring to the seizure, siege, burning and looting of their homes, threats, intimidation and attacks on them and their relatives that occurred during the conflict, which violated their right to personal integrity, property, personal safety and dignity.

- Acts of racism and discrimination that constitute crimes of public action subject to the provisions of Law No. 045, of October 8, 2010, “Against Racism and all forms of Discrimination”, especially those committed by authorities and former public authorities in the exercise of their functions.

- Direct coercion, restriction of movement, affectation of work instruments and personal property, humiliation and acts of discrimination, arbitrary retention, threats to the personal safety and life of the workers of the press and even their families, during the conflict.

- Direct coercion, acts of physical and psychological violence, humiliation and acts of discrimination, arbitrary retention, restriction of movement, affectation of work instruments and personal and institutional assets, siege of defense facilities, threats to personal safety and life of the public servants of the Ombudsman's Office and even their families.

- The acts committed against all the people who were victims of burning and looting of their businesses or work facilities that occurred during the conflict, which violated their right to private property, work, personal security and dignity.

SECOND: To the Public Ministry (Prosecutor's Office), through the Directorate of Prosecutorial Management, Supervision and Evaluation, in application of numerals 3, 9 and 15 of article 103 of the Organic Law of the Public Ministry, to control and inspect the criminal proceedings opened for violations to human rights that occurred in the framework of the conflict, so that the exercise of public criminal action is carried out effectively, complying with the procedural deadlines, and has valid and sufficient evidence to sustain the guilt of the accused without place to doubt, in attention to the right to the presumption of innocence.

THIRD: The Bolivian Police, within the framework of Law No. 101 of April 4, 2011, proceed to investigate in the disciplinary sphere, without prejudice to criminal responsibility, the members of the Bolivian Police who allegedly have committed arrests illegal or arbitrary, violations of the presumption of innocence, excessive use of force, acts of discrimination and racism and any other violation of human rights, during the conflict.

FOURTH: To the Plurinational Legislative Assembly:

1. In the framework of numeral 3 of Paragraph I of Article 158 of the Political Constitution of the State:

1.1 To enact a Law for the creation of an independent Truth Commission with members of high ethical and moral quality, destined to impartially investigate all the facts that violated human rights during the conflict, in accordance with International Human Rights Law.

1.2 To enact a Law of comprehensive reparation for human rights violations within the framework of paragraph I of Article 113 of the Political Constitution of the State and international standards of International Human Rights Law.

1.3 To enact a Law that contemplates protection systems and mechanisms, as well as the provision of security equipment to press workers who carry out news coverage of social conflicts and that democratize access to state advertising.

2. In the framework of numeral 17 of Paragraph I of Article 158 of the Political Constitution of the State, to control and supervise the General Commander of the Police and the State Attorney General for the breach of their constitutional and legal duty to provide the necessary collaboration and respond to the requirements of the Ombudsman's Office, in accordance with its constitutional mandate.

3. In the framework of numerals 17 and 18 of Paragraph I of Article 158 of the Political Constitution of the State, to control, supervise and question the Ministers of Government and Defense for the breach of their constitutional and legal duty to provide the necessary collaboration and respond to the requirements of the Ombudsman's Office, in accordance with its constitutional mandate.

FIFTH: To the Ministries of Education, Sports and Cultures, and of Justice and Institutional Transparency, within the framework of Articles 1 and 3, numerals 1, 2, 3 of Article 9 and numeral 2 of Article 30 of the Political Constitution of the State; subsections bb), gg), pp) of Article 104 and subsection g) of Article 116 of Supreme Decree No. 29894, of February 7, 2009, on the Organization of the Executive Branch, modified by Supreme Decree No. 4257 of June 4 from 2020; to formulate and implement a public policy for the vindication and protection of the country's cultures,



promoting the value of cultural diversity and the inclusion of the nations and native indigenous peoples of the country, intercultural and Afro-Bolivian communities in the Plurinational State.

SIXTH: To the National Committee against Racism and all forms of Discrimination, within the framework of Article 2.2 of the International Convention on the Elimination of all Forms of Racial Discrimination; Article 7; Subsections b, d, g of Article 9 of Law No. 045, of October 8, 2010, Law Against Racism and all Forms of Discrimination to:

1. Carry out the follow-up, evaluation and monitoring of the implementation of public policies and regulations in force against racism and all forms of discrimination, related to the events recorded during the conflict.
2. Follow up on judicial processes, related to acts of racism and discrimination, raised in the conflict.

SEVENTH: To the Autonomous Departmental Governments of La Paz and Santa Cruz through their respective Departmental Health Services (SEDES) and in coordination with the corresponding municipal authorities, in application of subsection k), numeral 1, paragraph III of article 81 of Law No. 031 of July 19, 2010, to initiate internal process of evaluation of the performance of the medical personnel of the Municipal Hospital Boliviano Holandés located in the municipality of El Alto, Los Pinos Municipal Hospital located in the municipality of La Paz, and the Second Level Hospital of Yapacaní, located in the municipality of the same name, in order to determine whether there were disciplinary offenses, without prejudice to criminal responsibility, for actions or omissions in the exercise of their functions during the conflict for alleged violations of the law health.

EIGHTH: To the Ministry of Justice and Institutional Transparency, in compliance with the provisions of Article 113 of the Political Constitution of the State, paragraphs b), d) and e) of Article 80 of Supreme Decree No. 29894, modified by Supreme Decree No. 3058 of January 24, 2017; to issue a public policy for comprehensive reparation for violations of human rights raised during the conflict.

NINTH: To the Executive, Legislative, Judicial and Electoral Power Bodies in coordination with institutions for the defense of the State and society, social organizations and organized civil society, in compliance with the provisions of Articles 2, 8, 9, 10, 12, 341 and 342 of the Political Constitution of the State; to promote a peace process based on respect and equality among all, under the principles of sovereignty, dignity, complementarity, solidarity, harmony and equity where the search for living well prevails, in order to advance towards a plural, democratic, productive Bolivia, bearer and inspirer of peace, committed to integral development, with the self-determination of the nations and native indigenous peoples, the Afro-Bolivian people, intercultural communities and guarantor of the exercise of human rights through norms, actions, plans, projects and/or public policies.

TENTH: To the Executive Branch, so that, within the framework of the agreement signed with the Inter-American Commission on Human Rights for the installation of the Interdisciplinary Group of Independent Experts (GIEI), establish and guarantee the necessary conditions so that the acts of violence and human rights violations that occurred in the country during the conflict.

ELEVENTH: To the Public Ministry and the Bolivian Police, their legal obligation established in Articles 225 and 251 of the Political Constitution of the State, respectively, to prevent private individuals from committing human rights violations; and develop the corresponding investigations once these acts are committed.

TWELFTH: To the Bolivian Police:

1. Their legal obligation to carry out a proportional, necessary and humane use of public force, exhausting all dialogue mechanisms before carrying out any type of intervention against civilians, established in the Basic Principles on the Use of Force and Weapons of Fire by the Officials in Charge of Enforcing the 1990 Law (PBEFAFFEHCL), adopted by the Bolivian Police through General Command Resolution No. 263/95 of September 6, 1995.

2. The prohibition of applying any method, performing any act or omission that constitutes torture or other cruel, inhuman, degrading or humiliating treatment



or punishment against persons in their custody, reiterated in several international instruments for the protection of human rights, in our regulations national law and jus cogens.

THIRTEENTH: To the Bolivian Police and the Ministry of Government, the constitutional and legal prohibition established in International Human Rights Law, to carry out any act or omission that affects the enjoyment and exercise of rights, based on the reason of sex, color, origin, culture, nationality, citizenship, ideology, political or philosophical affiliation, economic, social or other condition of any kind, in accordance with the provisions of Article 14 of the Political Constitution of the State and in Law No. 045.

FOURTEENTH: To the Ministers of Government and Defense, the State Attorney General and the General Commander of the Police, their constitutional and legal duty to provide the necessary collaboration and respond to the requirements of the Ombudsman's Office in accordance with the provisions of Article 223 of the Political Constitution of the State.

FIFTEENTH: To the Executive Branch, that the organization of the State is based on the independence and separation of the bodies of power according to Paragraph I of Article 12 of the Political Constitution of the State.

SIXTEENTH: URGE the Public Ministry (Prosecutor's Office) to initiate investigations to determine the responsibility of the servers who did not collaborate with the Ombudsman's Office in accordance with the provisions of Article 223 of the Political Constitution of the State, and Articles 3 and 8 of the Law N ° 260, of July 11, 2011, Organic of the Public Ministry.

SEVENTEENTH: ANNOUNCE, within the framework of the American Convention on Human Rights, Law No. 1430, February 11, 1993, that the Office of the Ombudsman will communicate this Order to the Inter-American Commission on Human Rights.

List of deceased persons nationwide

N°	Nombre	Fecha	Circunstancia	Lugar
1	Julio Llanos	28/11/19	Died after being admitted to Hospital Obrero No. 1, he lost his life due to the attacks suffered in the vicinity of the tent of the strike of the victims of the dictatorship in El Prado in La Paz.	Downtown La Paz
2	Limbert Guzmán Vásquez	06/11/19	At the Viedma Hospital of CBBA. The cause of death was a severe cranial brain trauma, with a fracture and collapse of the skull, a wound that was caused, with high probability, by the explosion of a homemade bazooka or mortar that he was handling.	Cercado Cochabamba
3	Mario Salvatierra	30/10/19	As he was blocking the city of Montero, he was hit by groups of civilians who wanted to unblock the streets and avenues. He died from the impact of non-regulation firearms, 22 caliber long.	Montero Santa Cruz
4	Marcelo Terrazas	30/10/19	As he was blocking the city of Montero, he was hit by groups of civilians who wanted to unblock the streets and avenues. He died from the impact of non-regulation firearms, 22 caliber long.	Montero Santa Cruz
5	Percy Romel Conde Noguera	Between the 10 and 11/11/19	Deaths due to hypovolemic shock, due to firearms, the first two. There is no known autopsy on the third.	Ovejuyo, Pedregal, Rosales and Chasquipampa La Paz
6	Beltrán Paulino Condori Aruni			
7	Juan Martín Félix Taco			
8	Sgto. de la Policía, Juan José Alcón Parra	11/11/19	Siege and burning of military installations in the city of El Alto	El Alto La Paz
9	Silverio Condori	10/11/19	In the town of Mallasa, he was escaping from police retribution and met his death by falling from a great height.	La Paz
10	Filemón Soria Díaz	11/11/19	He was found bound and tied. His cause of death was by hanging, after the conflicts in Huayllani	Sacaba Cochabamba
11	Miguel Ledezma Gonzales	12/11/19	Confrontation with police officers in Huayllani of the municipality of Sacaba; by impact of a non-regulation firearm.	Sacaba Cochabamba



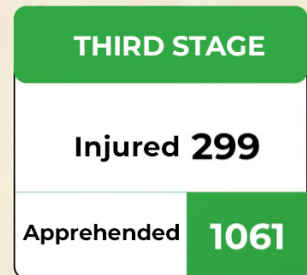
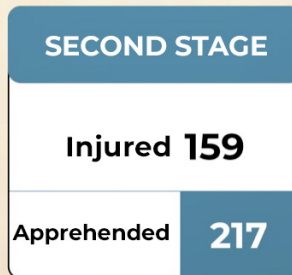
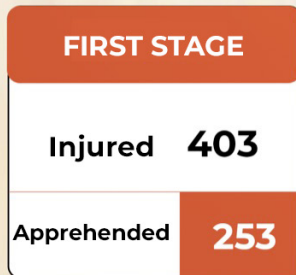
N°	Nombre	Fecha	Circunstancia	Lugar
12	Juan José Mamani	12/11/19	Member of the group called "Resistencia Juvenil Cochala", who went out to look for a spare part, when a group of people detained him and beat him severely.	Cochabamba
13	Filemón Salinas Rivera	12/11/19	Death due to firearm impact in the left eye.	Yapacaní Santa Cruz
14	Roberth Ariel Calisaya	13/11/19	Death due to impact from a firearm.	Yapacaní Santa Cruz
15	Richard Orellana	13/11/19	Death due to impact from a firearm.	Yapacaní Santa Cruz
16	Marcelino Jarta Estrada	12/11/19	Death due to the impact of a firearm, within joint operations between the Bolivian Police and the Armed Forces to deter protesters.	Sacaba Massacre
17	Omar Calle		All the aforementioned persons died during the joint operations of the Police and the Armed Forces, the firearm impact wounds resulted in the fatal toll of 10 people, who were arbitrarily deprived of their lives.	
18	Cesar Sipe			
19	Juan López			
20	Emilio Colque			
21	Lucas Sánchez			
22	Placido Rojas Delgadillo			
23	Armando Carvallo Escobar			
24	Marcos Vargas Martínez			
25	Roberto Sejas			
26	Julio Pinto Mamani			

N°	Nombre	Fecha	Circunstancia	Lugar
27	Devi Posto Cusi	19/11/19	The unfortunate event carried out by the Armed Forces, to protect the transport of fuel tanks to the city of La Paz, ended with the unfortunate death of 10 people.	Senkata Massacre
28	Pedro Quisbert Mama			
29	Edwin Jamachi Paniagua			
30	Joel Colque Patty			
31	Juan José Tenorio Mamani			
32	Antonio Ronald Ticona			
33	Clemente Eloy Mamani Santander			
34	Milton David Zenteno Girona			
35	Rudy Cristhian Vásquez Condori			
36	Calixto Huanaco Aguilar			
37	Sebastián Moro	16/11/19	After alleged attacks suffered on 11/10/19, he died on 11/16/19.	La Paz



DEFENSORÍA DEL PUEBLO
ESTADO PLURINACIONAL DE BOLIVIA

LIST OF INJURED AND APPREHENDED



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