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Bolivia: The state of siege is no excuse for human rights violations

The state of siege should not be used as a justification for arresting people for their legitimate trade union and social activities, Amnesty International said today in light of the detentions which have taken place in Bolivia both before and since a state of siege was declared on 8 April.

Describing those who have been banished because of their legitimate trade union work and have not resorted to violence as prisoners of conscience, the human rights organization requested that they be released unless charged with a criminal offence.

"The imposition of the state of siege must not violate the basic guarantees granted to detainees in the Bolivian Constitution, such as the right to *habeas corpus* and the right not be held incommunicado," Amnesty International stated.

The organization is calling on the Bolivian authorities to avoid the excessive use of force on the part of the armed forces who have been deployed to keep order so that further deaths and injuries can be avoided. The organization is concerned at reports that five civilians and soldiers, including at least one minor, have died and that over 40 people have been injured.

Immediately before and after the state of siege was declared, at least 22 trade unionists were detained and sent to remote parts of the country. In what was reportedly a selective arrest operation, raids were carried out on the homes of trade union and social leaders during which members of their families were also subjected to beatings.

In contravention of the constitutional guarantee that no one can be detained without an arrest warrant issued by an appropriate authority, several leaders and members of trade unions and social organizations were arbitrarily detained before the state of siege was declared.

"The state of health and physical safety of detainees banished to isolated areas of the country is also a cause for concern," said Amnesty International after receiving a list of 17 people subjected to internal exile in San Joaquín (Beni Department) in the north of the country.

"We are asking the Bolivian authorities for an absolute guarantee that the detainees will not be subjected to torture or ill-treatment," the organization said.

Background

The detentions occurred and a state of siege was declared following a week of demonstrations, some violent, in several cities throughout the country, in particular Cochabamba. The demonstrations were in protest at a project to be carried out in Cochabamba which would lead to an increase in water supply charges.

Under the Bolivian Constitution, a state of siege is an emergency measure which can be taken by the executive to maintain public order in "cases of serious danger resulting from an internal civil disturbance". If not lifted after 90 days, it will expire *ipso facto*. According to article 111 of the Constitution, any persons detained during a state of siege should be released after 90 days unless they are subject to criminal proceedings in an appropriate court of law.

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