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The Bolivian Congress overwhelmingly approved opening the way for the prosecution of former President Gonzalo Sanchez de Lozada (1993-1997, 2002-2003) and 15 of his ministers for the deaths of dozens of protestors one year ago as well as for several other crimes. The approval of prosecution came as thousands descended on the capital of La Paz to observe the one-year anniversary of the conflict that brought down the president and brought then vice president Carlos Mesa to power.

"Historic" early morning vote

After a 13-hour debate played live on state television on Oct. 14, the Bolivian Congress authorized a trial for Sanchez de Lozada, a member of the Movimiento Nacionalista Revolucionario (MNR), for the bloody repression that preceded his 2003 fall from power. In the vote, 126 of 140 legislators approved the criminal trial, 21 votes more than needed to pass the measure authorizing the Corte Suprema to order a trial that would prosecute the former president for "violations of rights and constitutional guarantees." Thirteen MNR legislators voted against the move and one abstained.

The charges include genocide, murder, actions against the constitution, and human rights violations

Opponents of the measure had sought to allow only the prosecution of two ex-ministers, former defense minister Carlos Sanchez and former government minister Yerko Kukoc, instead of the entire executive body. Sanchez de Lozada stepped down one year ago during the "gas war," when plans to export natural gas through Chile and terms for companies exploiting gas led to a nationwide uprising (see NotiSur, 2003-10-17, 2003-10-24).

More than 200 protestors were wounded and at least 58 died in clashes with police and the armed forces, although various human rights organizations place the number of dead in the range of eighty while official counts favor lower numbers.

The 74-year-old Sanchez de Lozada, the second-wealthiest man in Bolivia who is also known by the nickname Goni, is currently living in self-imposed exile in the US, residing in the Washington, DC, area. He said in Miami that he would not submit to extradition requests.

Following the vote in Congress, Sanchez de Lozada's education minister and now Sen. Hugo Carvajal submitted himself to the Corte Suprema. "The measure hurts me, but I prefer for it to hurt me and not democracy," said Carvajal. He added that the "violent end" of the Sanchez de Lozada administration was not what he had expected in his political career, but that he had acted in a responsible manner, in keeping with party discipline. Carvajal is a member of the Movimiento de la Izquierda Revolucionaria (MIR).
One of the few former Latin American rulers currently in prison is former Bolivian Gen. Luis Garcia Meza (1980-81), who was tried in absentia in 1989 and sentenced to 30 years in prison. He was eventually captured in Brazil and extradited to Bolivia in 1994 (see NotiSur, 1993-04-30, 1994-10-28, 1995-03-17).

In official declarations, the government called the decision to begin a trial "historic" and said it would "strengthen democracy and renew the citizenry's faith in its institutions."

Sanchez de Lozada denounces lynching atmosphere

Sanchez de Lozada made it clear that he would not be returning voluntarily to his home country, saying that an "atmosphere of lynching" made a fair trial impossible for him in Bolivia. "I consider that justice requires a transparent, independent and just process, which will allow the facts and basis of the accusation to be established before proceeding to a trial," he said in a press release. "This has not happened in Bolivia and it is improbable that it will happen in the current atmosphere of lynching."

"If I am prepared to face justice like any other citizen of Bolivia, this trial should be brought about in accord with the law and respecting the right that all Bolivians have to a fair trial," he said in the document, going on to attack a number of irregularities in the process of bringing the order for a trial against him and his Cabinet. "The authorization was the product of pressure exercised by the multitude on the streets, just as much as it was the result of personal intimidation directed toward some members of Congress."

Sanchez de Lozada claimed he would cooperate with an impartial investigation, saying, "I know that I have committed errors, but I believe deeply that I have not violated the law." In saying he would not accept extradition, Sanchez de Lozada accused his former second-in-command, Carlos Mesa, of being part of a coup to overthrow him. Sanchez de Lozada compared President Mesa with the Russian socialist moderate Alexander Karensky, who took the reins of power after the fall of Tsar Nicholas and ended as a victim of the Bolshevik Revolution. "Mesa is riding the tiger, but he can end up in its stomach," said Sanchez de Lozada.

US Ambassador to Bolivia David Greenlee did not discard facilitating the ex-president's extradition and said an agreement was in place between the two nations, "but the truth is that in this moment we don't know what Sanchez de Lozada's status [in the US] is. However, I'm sure that his residence is legal. He is in the country under legal norms." The diplomat said Sanchez de Lozada enjoyed no special protection in the US, but "in this moment there is no such demand for extradition and I prefer not to speculate on absolutely anything."

Union wants severe punishment for "black October"

The Central Obrera Boliviana (COB), a major force in the protests of October 2003, asked for severe punishment for the police repression. Jaime Solares, COB executive secretary, said the Bolivian people would not forget the "crimes against humanity" of "black October," and workers would
insist on genocide trials. "We will not rest until we achieve the nationalization of gas and send Sanchez de Lozada and all his collaborators to jail," he said.

Solares believes a trial would only lead to a conviction if certain justices, like magistrates appointed under Sanchez de Lozada and former dictator and later elected President Hugo Banzer (1971-1978, 1997-2001) were removed from the Corte Suprema.

Memories of the tragic incidents of October 2003 came painfully back to the surface Oct. 11 when the bodies of the victims began to be exhumed in the simple cemetery in El Alto where they were buried, to determine the exact cause of their deaths. The impoverished families demanded justice as they removed the earth from the graves of their loved ones, who included men, women, and children. The bodies were covered by the Bolivian flag in a kind of open-air wake, awaiting forensic exams.

**Thousands march commemorating overthrow anniversary**

A procession commemorating the anniversary of Sanchez de Lozada's downfall arrived in La Paz in the week following the congressional decision to subject the ex-president to prosecution. Roadblocks paralyzed capital-city neighborhoods as Mesa had to prove that he would negotiate with marchers instead of shooting them like his predecessor.

Leaders of a massive rally at Plaza San Francisco also criticized the current government of President Mesa. "Mesa's government is more of the same, a continuation of Sanchez de Lozada," said labor leader Felipe Quispe, who spoke at the demonstration. Security was reinforced in the area, including at the nearby presidential palace and Congress building.

Interior Minister Saul Lara said police were ordered to avoid clashes with demonstrators. Marchers were also calling for the nationalization of gas reserves as President Mesa negotiates with Congress to write new laws regulating hydrocarbons. While a recent referendum handed Mesa a mandate to greatly increase royalty fees charged to multinational corporations extracting from Bolivia's massive gas reserves, nationalization was not an option presented to the voting public (see Notisur, 2004-07-30). It had been a demand from various indigenous and left-wing leaders, and some called for a boycott of the referendum since nationalization was not a choice available to voters.