



Plenary sitting

B9-0246/2021

27.4.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the human rights situation in Bolivia and the arrest of former President Jeanine Añez and other officials

(2021/2646(RSP))

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B9-0246/2021

European Parliament resolution on the human rights situation in Bolivia and the arrest of former President Jeanine Añez and other officials

(2021/2646(RSP))

The European Parliament,

- having regard to its previous resolutions on Bolivia,
- having regard to the statement by the EEAS Spokesperson of 14 March 2021 on the latest developments in Bolivia,
- having regard to the statements by the HR/VP Spokesperson of 10 August 2020 on the electoral preparations in Bolivia, of 23 October 2020 on the general elections in Bolivia,
- having regard to the statement of 13 March 2021 by the UN Secretary-General’s spokesperson on Bolivia,
- having regard to the report by the UN High Commissioner for Human Rights of 24 August 2020 on how The Human Rights Situation in the Aftermath of the 20 October 2019 General Elections in Bolivia,
- having regard to the statement by the Inter-American Commission on Human Rights (IACHR) of 16 March 2021 on “IACHR Urges Bolivia to Respect Inter-American Standards for Due Process and Access to Justice and Stresses the Country's Obligation to Investigate and Punish Anyone Responsible for Human Rights Violations Committed in the Context of the 2019 Electoral and Institutional Crisis, and to Ensure Comprehensive Reparations for Victims and their Families”,
- having regard to the Statements from the Organisation of American States (OAS) General Secretariat of 15 and 17 March 2021 on the situation in Bolivia,
- having regard to the European Union Guidelines on Human Rights Defenders and on Freedom of Expression,
- having regard to the International Covenant on Political and Civil Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, of which Bolivia is party,
- having regard to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean signed in Escazú on 4 March 2018,
- having regard to the Universal Declaration of Human Rights,
- having regard to Rules 144 of its Rules of Procedure,

A. Whereas the political and social situation in Bolivia has become increasingly critical, with high polarisation in the political debate, the ongoing environmental destruction caused by extractivist projects, the persistence of huge socioeconomic disparities and, more recently, the impact of the COVID-19 pandemic; whereas the situation reached alarming levels of violence in the aftermath of the presidential elections of 20 October 2019, when the then President Evo Morales declared victory in elections; whereas this victory was disputed, among others, by the OAS, through a statement issued the day after the elections in the absence of supporting evidence and which contributed to the political conflict, mass protests and served as one of the most-used “justifications” for the military coup that that followed;

B. Whereas at least 35 people died and 833 were injured in the context of the protests that began in October 2019 and many others were detained in breach of the rules of due process, amid reports of widespread human rights violations and abuses; whereas these human rights violations have not been adequately investigated, prosecuted or punished, allowing impunity for them to persist; whereas, under the auspices of the Inter-American Commission on Human Rights, the Interdisciplinary Group of Independent Experts for Bolivia (GIEI) began its investigations in Bolivia at the end of November 2020, rekindling the hope of justice, truth and reparation for the victims of human rights violations;

C. Whereas, following weeks of violent protests, the then commander-in-chief of the Bolivian armed forces, Williams Kaliman, who also served as Bolivia’s military attaché in Washington between 2013 and 2016, urged President Morales to step down, which he duly did in order to avoid further bloodshed and reduce tensions; whereas the following day Evo Morales was taken into exile in Mexico by a Mexican aeroplane; whereas this was followed by the self-proclamation by the far-right second vice-president of the Senate, Jeanine Áñez, as president; whereas Jeanine Áñez remained the caretaker president, until elections took place in October 2020 and President Arce took office;

D. Whereas the elections that took place on 18 October 2020 were carried out peacefully and in a spirit of transparency and electoral democracy; whereas the results of the elections, which saw Luis Arce legitimately elected as President of the Plurinational State of Bolivia have been widely recognised by the international community;

E. Whereas the open intervention by military and police forces in 2019 further destabilised the country; whereas the multiple acts of repression carried out by the military and police in public places were a stark reminder of the darkest periods of the decades-long civil-military dictatorships in Bolivia, and of the more than 200 military coups that have taken place since the country gained its independence in 1825 – the highest number for any one country in Latin America;

F. Whereas on 15 November 2019, Bolivia's interim government issued Decree 4078, which gave the armed forces the right to ‘support the police in the defence of society and the maintenance of public order’ without making them liable for prosecution for any crimes that are committed, thereby opening the door to impunity, just as was the case during the civil-military dictatorships; whereas, as reported by Amnesty International, as well as other human rights organisations, on the same day 10 MAS supporters were killed in in the central town of Sacaba and another 10 were killed in Senkata, on the outskirts of La Paz, on 19 November 2019

as state forces opened fire on protesters in the two cases;

G. Whereas in November 2019 Bolivia's interim government filed a criminal complaint with prosecutors, seeking the maximum penalty for the former President Evo Morales of terrorism and sedition over his alleged role in fomenting unrest in the country;

H. Whereas in March 2021 arrest warrants have been issued and enforced by the national prosecution against former President Áñez, ministers of her interim government and other individuals who made up the interim government in 2019–2020, for crimes including sedition, terrorism, and conspiracy, in the context of a legal case known as "Coup d'état"; whereas on 18 February 2021, Supreme Decree 4461 was approved granting an amnesty or pardon to supporters of the government of President Arce who were detained for alleged crimes committed during the political crisis that started in October 2019;

I. Whereas efforts to monitor the situation of human rights in Bolivia carried out, among others, by the Inter-American Commission on Human Rights (IACHR), reveal recurrent complaints of actions and patterns that reflect the judicial persecution of political opponents of the government, in various State administrations, alleging sedition and terrorism, among other crimes;

1. Expresses concern at the dire social and political situation, which has been unfolding and worsening in Bolivia since 2019 and deeply deplores the tragedy that has befallen all victims of the unrest in Bolivia, from all sides; underlines the critical need to uphold the entirely lawful pluriethnic and plurilingual state; calls on the Plurinational State of Bolivia to undertake structural changes and reforms to address the root causes of the crises that we have seen flare up in the country;

2. Commends all of the actors who contributed to a peaceful electoral process on 18 October 2020, allowing Bolivians to vote freely, in a spirit of reconciliation, unity and inclusiveness;

3. Calls on the Bolivian Government to urgently and diligently investigate, prosecute, and punish anyone responsible for the violence and serious human rights violations committed in the context of the crisis, and to ensure reparations for victims; stresses the importance of drawing up a plan to immediately assist victims of human rights violations and their families, and to provide comprehensive reparations for them; is deeply concerned that, to date, not a single person has been held accountable for the deaths in Sacaba and Senkata nor for the majority of the killings that happened in 2019; stresses that failure to act will deepen divisions, aggravating current tensions and undermining public trust in State institutions;

4. Expresses deep concern at the repeated allegations of a lack of independence in the administration of justice in Bolivia and of the prevalence of structural problems in the country's judicial system; stresses that the independence of institutions is essential to ensure due process, and notes that the lack of independence affects access to justice and more generally diminishes citizens' trust in the national justice system; calls in this respect on the government of Bolivia to take any measures necessary to uphold the rule of law and ensure the independence and impartiality of the country's justice system, by implementing structural reforms based on the principle of victims' access to justice and on the need for timely and adequate reparations;

5. Stresses that all judicial proceedings must be conducted in full respect with the principle of

due process in line with international law and ensuring judicial guarantees, judicial protection and access to justice, in the context of an independent and impartial justice system that is free from interference by other State institutions;

6. Is deeply concerned about the widespread increase in violent and inflammatory language, as well as verbal and physical violence directed against journalists, human rights defenders and indigenous people, reflecting deeply entrenched racism; strongly condemns all acts of racism and denigration, considers them severe human rights violations, and asks for their swift and full clarification with a view to the prosecution and punishment of all material and individuals responsible; underlines that freedom of the press is an essential element of stability;

7. Calls on the Bolivian government to amend articles in the Penal Code on the crimes of sedition and terrorism which include overly broad definitions of terrorism and thus give rise to possible violations of the principles of legality and proportionality;

8. Commends and supports the work of the Office of the United Nations High Commissioner for Human Rights and of the Interdisciplinary Group of Independent Experts for Bolivia (GIEI), working under the auspices of Inter-American Commission on Human Rights (IACHR); calls on the government of Bolivia to fully cooperate with the UN bodies and to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council and to cooperate in a proactive manner;

9. Calls on the EEAS and Member States to increase their support for dialogue and structural change to address the profound causes of human rights violations in the country and to ensure non-recurrence, notably, taking into consideration the precedent of politically and institutionally motivated violence in Bolivia, by supporting the urgent launch a national dialogue and reconciliation process, with the aim of defusing the tension and hostilities that are latent within Bolivian society, to ensure full respect for the human rights of all people;

10. Calls on the EEAS and Member States to increase their protection and support for environmental and human rights defenders in Bolivia; calls on the EU Delegation to fully implement the EU Guidelines on human rights defenders and offer support to civil society and access to protection of people at risk of persecution, to use all available instruments to increase their support for human rights and environmental defenders' work, and, where appropriate, to facilitate the issuing of emergency visas, and provide temporary shelter in the EU Member States; calls on the Bolivian Government to prioritise in the implementation of the Escazú Agreement to this end; calls on the Commission, in particular, to initiate a programme in support of the Escazú Agreement, with the aim, inter alia, of assisting Bolivia in implementing the Agreement, assisting civil society in engaging with the Agreement and contributing to its implementation, and providing support for the voluntary fund established under the Agreement;

11. Calls for political differences to be addressed through dialogue and reconciliation in order to preserve democracy, the rule of law and the respect of human rights;

12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the government and Parliament of Bolivia, and the Euro-Latin American Parliamentary Assembly.

