

Violation of Human Rights in democracy**Vulneración de Derechos Humanos en democracia**

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Abstract

The wording of this article is to show that there are courts of domestic and international order in which to be judged responsible for the violation of human rights in the democratic government of Evo Morales in the period 2007 - 2011, based on a summary of facts representative of violence through documentary, newspaper archives and historical review based on official reports of government institutions, human rights, social organizations and mass media; and legislative and jurisprudential exegetical study of national and external legal instruments. In contrast with other reports of official institutions and NGOs to determine bias in the same intended to hinder the prosecution of those responsible. When checking the concurrency of the elements of the crimes, and demonstrate that there are legal responsibilities to establish and prosecute these offenses resources, and in the absence of the corresponding criminal proceedings instituted, impunity and delay of justice in this field is demonstrated that the same necessarily must be overcome to set precedents and thus prevent these attacks are replicated.

Human rights violations, Crimes against humanity, Genocide, Impunity

Resumen

El enunciado de este artículo es demostrar que existen tribunales de orden interno e internacional en los cuales se juzgará a los responsables de la violación de los derechos humanos en el gobierno democrático de Evo Morales en el periodo 2007 - 2011, a partir de una síntesis de hechos representativos de violencia a través de la revisión documental, hemerográfica e histórica basada en informes oficiales de instituciones gubernamentales, de derechos humanos, organizaciones sociales y medios de comunicación; y el estudio exegetico legislativo y jurisprudencial de instrumentos jurídicos nacionales y externos. En contraste con otros informes de instituciones oficiales y ONG's para determinar parcialidad en los mismos con la intención de obstaculizar la persecución de los responsables. Al comprobar la concurrencia de los elementos de los delitos, y demostrar que existen responsabilidades legales para establecer y perseguir estos recursos delictivos, y ante la ausencia de los correspondientes procesos penales instaurados, se demuestra la impunidad y retardación de justicia en este campo que los mismos necesariamente deben ser superados para sentar precedentes y así evitar que estos atentados se repliquen.

Violaciones de derechos humanos, Crímenes contra la humanidad, Genocidio, Impunidad

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Introduction

When democratic freedoms were restored in Bolivia on 10 October 1982, the unanimous belief of the population was that human rights violations would come to an end. Reality showed us that democracy was very fragile; in 1985 the popular sectors were once again subjugated by the then government of the late Dr. Víctor Paz Estenssoro. Subsequently, each of the governments, in turn, stamped their own stamp of force in the face of the impossibility of responding to the demands of the dispossessed.

The episodes known as the "Water War" in Cbba 2002 (review), the confrontation between the uniformed police and the armed forces in February 2002 (review) and the infamous Gas War (2003) are proof that the use of force by the governments in power is the most effective argument to put an end to social conflicts. Unfortunately, the current government, despite enjoying majority support at the ballot box, with 53.740%²² and being considered by the Bolivian people as a response to the need for change, continued in this old practice, leaving regrettable consequences in each intervention.

Events such as the historic March for Territory (1990), led by lowland peasants demanding a constituent assembly and recognition of their socio-cultural identity, which was temporarily suspended, ended with the convening of a constituent assembly between February and November 2007, with a fatal outcome: a confrontation between two fraternal peoples (La Paz and Sucre) over the restitution of state powers to the capital city, with a regrettable human and social cost.

The attitude assumed by the inhabitants of the TIPNIS in defence of their natural territory and the search for respect for the Isiboro Sécure National Park, expressed in a hard-fought but peaceful march (2011) from the central plains to the summits of the seat of government, was interrupted by the intolerance and repression of the armed forces, where the most affected were children and women who were attacked, tied up and offended.

Another event with a tragic toll is the one that occurred in the department of Pando, with the loss of valuable human lives, the illegal detention of people and physical aggression (11 September 2010).

It is regrettable to see that in a state governed by the rule of law, these events have not yet been clarified, nor have the culprits been subjected to a fair and due process. If we were to regret that justice is not possible in Bolivia, then we would have to appeal to impartial international organisations that, in the name of peaceful coexistence and the search for truth, would distribute justice by punishing the guilty parties.

It is in this context that it is necessary to contrast the official reports and identify other unofficial reports aimed at protecting the powerful with those of those who have suffered abuses and those who, in their eagerness to establish the historical truth, present their versions under the protection of the CPE and the national and international legal system.

Several years have passed since the commission of these crimes, and the historical truth has still not been established, resulting in a marked and dark presence of impunity and a delay in justice.

The general question is why the corresponding judicial processes have not yet been set up and, if they have been initiated, why they are not continuing, if the procedural deadlines are established in such a way that when innocence is established, it can be demonstrated. The only thing the Bolivian people expect is punishment for those responsible and compensation for the victims and their families.

The application of the corresponding legal norms must put an end to the marked impunity of those who were the actors, material and intellectual authors of the aforementioned acts. If this sanction cannot be achieved under the protection of our laws, then we must look beyond our borders.

The first part of this document describes the background to the actions that led to the infringement of legal rights; the second section is based on a documented review of reports, press publications and testimonies related to the most representative acts of violence in the first years of the plurinational state of Bolivia; subsequently, the methodology used will be described, noting its documentary nature in two areas:

The first, the review of documents related to the events mentioned, and the second, the review of regulations and jurisprudence, and finally, the fourth section will point out the results of the official and unofficial informative documentary contrast, and the classification of the crimes involved.

Background

The violation of the human rights of the Bolivian population is a dark history that has marked the lives of the generations that preceded it.

From 1968 to 1982, Bolivia practically lived under dictatorial regimes, since the democratic governments of this period were interrupted by coups d'état (Suárez).

The last years of this disastrous period, in 1979, under the dictatorship of Alberto Natush Busch and the subsequent coup d'état by Luis García Meza against President Lidia Gueiler Tejada in 1980, were undoubtedly the most terrible, with crimes committed against life and personal integrity of various kinds.

Despite the fact that the latter was tried by the National Jurisdiction on 21 April 1993 and along with him some of his collaborators,²³ many of those responsible remained unpunished. (Defensor del Pueblo R. d., 2007)

With the rise to power of Hernán Siles Suazo on 11 November 1983, the doors were opened to democracy and the rule of law, but subsequent governments (1985-1997), despite having been elected by the people and having completed their terms in office, were not exempt from having to shoulder the burden of violating the rights of the social sectors, who at certain times had to take to the streets to demand attention to their needs.

It was in 1997 that the Bolivian people handed over power to Hugo Bánzer Suárez, a military man from Santa Cruz, the same man who was responsible for the eradication of surplus coca and the sale of gas to Brazil under conditions that were not favourable for Bolivia, which led to economic problems that caused the government to lose control over some of the population's demands, leading to conflicts such as the aforementioned Water War, when an American corporation tried to increase water tariffs disproportionately.

The events of January 2000 left an unfortunate toll of one young man dead and more than a hundred injured (Shultz).

In 2001 Bánzer decided to resign due to health problems, leaving loose ends and his responsibility for this and other events unresolved, leaving Jorge Quiroga Ramírez in charge, who in his short period in office called general elections, which were won for the second time by Gonzalo Sánchez de Lozada, Both events resulted in a large number of deaths, injuries and arrests, victims who have not found an answer even after Sánchez de Lozada's resignation and escape, despite the fact that a trial of Responsibilities has been initiated against him.

The subsequent rise to power of Carlos D. Mesa Gisbert and his prompt resignation led Eduardo Rodríguez Veltzé (2005) to call elections once again.

Bolivia, having changed presidents five times in less than five years, and with wounds still open, is at this moment in history fraught with conflict because its demands are not being met, and governments do not identify with it.

Evo Morales, a coca growers' leader of peasant extraction and MAS deputy years before, managed to obtain a high percentage of votes in the 2005 elections because his political stance and proposals were considered by the population to be the antithesis of the last democratic election, and they identified with him, seeing that the doors were opening to a new democracy with the active presence of all sectors of the population.

The main and most striking project of the new government was the convocation of the Constituent Assembly, a general demand of the people who did not consider that the main law guaranteed their rights. The constituent process, scheduled to run from February to November 2007, brought together in Sucre representatives of social organisations from all over the country.

Different colours, dresses, languages and identities, with the same needs, sat down to rewrite the answers to their demands (Carrasco and Albó, 2008).

Sucre, through its representatives, demanded the recovery of the seat of government as the capital, which was ignored by the assembly members, generating a series of mobilisations that hindered the constituent process, causing it to conclude in a military enclosure, with three deaths, hundreds of injured and the armed forces of those responsible (Schavelzon, 2013). Of course, the responsibility of those who gave orders to repress these demonstrations by force has not been criminally established, despite the demands of the victims and their families.

It was in 2010 that the Bolivian skies were once again stained with mourning, this time in Pando, where 18 peasants were killed and many more injured, among the most affected being women and children (Delmas, 2012), and a state of siege was even declared in the department. This time the responsibility this time fell on departmental authorities, who remain in preventive detention to this day, as they have not yet been sentenced.

On 25 September 2011, near the town of San Borja, the Eighth Indigenous March for Territory, which was on its way to the seat of government from deep within the Indigenous Territory and Isiboro Sécure National Park, was forcibly intervened, with illegal detentions and physical and psychological aggression against the marchers and their children. (Paz S., 2012) It has not yet been determined who was responsible for the intervention, and therefore for the "breaking of the chain of command". It is clear then that we must assume an attitude of total intolerance towards violence and impunity, especially when it is those who should be protecting us who are attacking us.

TIPNIS²⁴ and the deplorable repression of the "indigenous" government

The TIPNIS is a "sui generis" territory within Bolivian territory, as it is both a protected National Park and a recognised Indigenous Territory inhabited by the Mojeño Trinitarios, Yuracarés and Chimanes peoples. In 1965, President René Barrientos Ortuño declared it a Protected Area by means of Decree Law N° 0740, despite the dictatorial nature of the government. It was recognised as an Indigenous Territory in 1990 by Supreme Decree N° 22619 during the administration of President Jaime Paz Zamora.

The designation as a TCO²⁵ following the signing of ILO Convention 169 modified the State Political Constitution and allowed for the recognition of the TCO as an Indigenous Territory.

Political Constitution of the State and allowed the full recognition of this territory through the INRA Law.

The conflict with this territory began in April 2011 when the government approved a construction contract²⁶ for a road linking the towns of Villa Tunari and San Ignacio de Moxos, violating the PIOC's right to prior, obligatory, good faith and concerted consultation regarding the exploitation of the natural resources of the territory where they live.

The massive march organised by CIDOB²⁸ and CONAMAQ²⁹ started on 15 August, and after several failed attempts at negotiation, the march continued. The most severe repression of the indigenous marchers took place on 25 September, near the town of San Borja, just as the march entered the government headquarters (Lorenzo, 2011). (Lorenzo, 2011).

There were many versions of the incident, but it was not possible to establish the responsibility of the authority that gave the order to intervene, as it was not even possible to identify the person in question.

Contrast: official reports and reality

The official reports submitted by central government officials to the Ombudsman³⁰ (Ombudsman E Ombudsman 30 (Ombudsman E. P., 2011) highlight that:

There was a risk to the physical integrity of Foreign Minister David Choquehuanca and a government commission present at the march that attended in order to "seek dialogue".

The social effervescence of the marchers threatened to exceed all margins, which is why the state security agencies found it "necessary" to use force.

The report of the United Nations High Commissioner in Bolivia strangely coincides with the reports of government officials in that it is a very limited and unclear report, which emphasises establishing a list of the events that took place prior to the Indigenous March itself and emphasises the right to prior consultation, without clearly establishing the events of 25 September in the intervention of the March. (United Nations High Commissioner, 2011)

The scattered reports of some representatives of the Bolivian police involved in the indigenous march, according to the Ombudsman, are "incomplete and unfounded", trying to justify their aggressive attitude by accusing the marchers of violent behaviour against the police and government representatives. (Defensor del Pueblo E. P., 2011, p. 3).

The report of the General Command of the Air Force stresses that it was not involved in the repressive operation but it did have orders to make available aircraft not "exclusively" for the transfer of marchers, therefore we highlight the fact that there was a predisposition to transfer, as we will see later, the indigenous people to remove them from the March. (Ombudsman E. P., 2011, p. 53).

The Ministry of the Presidency evaded the presentation of a written report related to the acts of violence of 25 September requested by the Ombudsman until 9 November 2011, which denotes the intentional nature of the authorities of this Ministry not to provide information or support investigations into the violation of the rights of the indigenous population and those responsible. (Ombudsman E. P., 2011, pp. 53 - 54).

Ministry of Government officials ignored the request to submit a written report or make statements to the Ombudsman, despite constant reiterations sent to them (Ombudsman E. P., 2011, p. 54).

In the same direction of denying access to information, the State Attorney General stated that he had no relation with the police intervention, but on the contrary, he had received requests to investigate the events that occurred in September.

The Prosecutors General of Beni and La Paz denied the existence of requests to the leaders and marchers in general, but the Prosecutor General of La Paz asked her counterpart in Beni to carry out a search of the scene of the incident.

The report of the Vice-Minister of the Interior states that:

The then Minister of Government, Sacha Llorenti, had decided to intervene in the march planned for 26 September. According to the report of General Edwin Foronda Franco, then in charge of the police contingent, the intervention of the march was carried out on the orders of former Minister Llorenti, albeit earlier than planned, due to the existence of confrontations between the police "chain of protection" for the march and the marchers, due to the "rescue" of Foreign Minister Choquehuanca and government officials who were on the march and had been forced to walk with the indigenous women on the march.

The plan to intervene the march was organised down to the smallest detail, for example, the purchase of tools to cut wire, the purchase of more than a thousand litres of water for the police, the purchase of masking tape (used to gag and restrain the marchers), the budget to pay for land transport for marchers who would be returned to their places of origin and other expenses entrusted to an official of the Vice-Ministry of the Interior and Police, Ms. Karolina Vertiz Arancibia. We had access to a report signed by General Edwin Foronda Franco³¹ which coincides with the reports of the Vice-Ministry of the Interior and Police regarding the existence of an elaborate plan to disrupt the Indigenous March and of people who had specific roles in this plan (see annexes). (See annexes).

As this general was lukewarmly opposed to carrying out this intervention due to the risk to the integrity of the Chancellor and government officials present at the March, given that his main function was to guarantee their safety, he was immediately relieved of his post, and the generals Muñoz and Palacios were put in his place, with precise instructions to comply with the ministerial instruction, as mentioned in this document "above all circumstances", demonstrating the evident intention to make an attempt on the lives and integrity of the indigenous people if necessary.

To contrast this information, which was maliciously spread by government bodies, we have the more than evident declarations in the press by the marchers and their representatives, such as those made by Gabriel Chávez, who was seriously injured and was taken, like many others, in ambulances to the town of San Borja for treatment.

In the presence of journalists from El Deber news agencies, he said in tears that despite the repression and the generalised and systematic attacks, the march would continue until it reached the seat of government and spoke to the President of the State. As did the indigenous leader Alejandro Almaraz³².

The country's most important newspapers covered these events, and among the aspects that stood out about the mobilisation and the aggression, one can verify the disagreement with the authorities' declarations³³. The articles published can be summarised as follows:

Right to Integrity

The right to integrity is essentially based on the protection of and respect for life and the possibility of its development in all spheres and with quality. Therefore, it is related to the physical sphere, concerning the preservation of all organs and elements of the human body and its health; in the psychic sphere, i.e. what is related to the motor, emotional, intellectual and psychological abilities of the human being; and in the moral sphere, it is related to the development of people in accordance with their convictions and their own way of being.

Political Constitution of the State

This right is recognised in the Political Constitution of the State, which states in Article 15 that everyone has the right to physical, psychological and sexual integrity, and therefore no one may be tortured or suffer cruel, inhuman, degrading and humiliating treatment. I of the same text prohibits any form of torture, coercion, duress or any form of physical or moral violence.

International instruments protecting this right

- Article 5 of the Universal Declaration of Human Rights.
- Article 5 of the American Convention on Human Rights "Pact of San José de Costa Rica". Costa Rica". 9
- Articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Article 7 of the International Covenant on Civil and Political Rights.
- Article 2 of the Inter-American Convention to Prevent and Punish Torture.

Constitutional Jurisprudence

"In turn, the current Political Constitution of the State (CPE), in a much more developed manner, enshrines in Art. 114, the following text: "(...) The Constitutional Court, in different Constitutional Rulings, has also protected de facto actions when the defendants acted outside of constitutional norms, as it considered that such actions "... cannot find legal protection...". cannot find legal protection under any circumstances, and their authors, as well as those who cooperate or contribute to achieving the results pursued with these actions, even if they are expected from social expectations, are placed within the illegality and become creditors - authors and accomplices- to the legal consequences of their acts, in the manner established by the legal order;

The rule of law, although it establishes judicial control of the administration and the subjection of public authorities to the law, means that any unlawful action must be prosecuted in accordance with the procedure established by law, and such acts cannot be repressed or punished with de facto actions, which are also unlawful³⁴.

The Inter-American Court of Human Rights

Furthermore, with regard to the violation of the right to personal integrity, the Inter-American Court of Human Rights has pointed out that this is not only limited to the victim, but extends its effects as directly affected to the next of kin, because they have been subjected to suffering, not only because of the death or aggression, but also because of the lack of clarification in the search for the truth, which means that, in the investigations to determine the causes and those responsible for the facts, these conducts are framed within the provisions of article 5 of the Convention.

Evidence of torture and cruel, inhuman and degrading treatment

The aggressions of which they were victims and which are described by the witnesses before various bodies, are evidence that they suffered not only physical pain, but also feelings of fear, inferiority, humiliation, anguish when the women were forced to escape to the bush and to stay there in conditions that were inadequate for them and their children to protect their lives, and when they were gagged and tied up, attitudes that are considered cruel, inhuman and degrading treatment.

The acts that generate pain or serious suffering in a person must have a subjective element of intentionality in order to be considered torture, that is to say that the person carrying out these actions has the will to cause this pain or suffering, and it is through the testimony of the victims that it is proven that the violent attitudes of the police carried out on 25 September 2011 had this element, and therefore constitute the aforementioned crime.

Right to personal liberty

Personal liberty, as a fundamental human right, may be restricted only within the framework of the law and within the limits strictly necessary to avoid excesses by the authorities so that the human condition is not undermined at any time.

Political Constitution of the State

Article 23, paragraphs I and III of the Constitution establishes that no one may be detained, arrested or imprisoned except in the cases and according to the forms established by law, which are developed within the internal regulations by the Code of Criminal Procedure, which grants powers to the Public Prosecutor's Office as the body responsible for criminal prosecution and to the Police in the exercise of its powers and assistance to the investigative activity, to execute arrest warrants, according to the provisions of Article 296 of the aforementioned body of law.

International instruments that protect this right

- Article 9 of the International Covenant on Civil and Political Rights, "No one shall be arbitrarily detained except on such grounds as are established by law and in accordance with due process of law".

- Paragraph 2 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention, "Arrest, detention or imprisonment shall only be carried out in strict compliance with the law (...)",

- Principle 10 "Everyone arrested shall be informed at the time of arrest of the reason for his arrest and promptly notified of the charge against him".

- Article 7 of the American Convention on Human Rights, "no one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the

Article 7 of the American Convention on Human Rights, "no one shall be deprived of his physical liberty except for reasons and under conditions established beforehand by the Political Constitutions of the States Parties or by the laws enacted pursuant thereto", "anyone arrested or detained shall be informed of the reasons for his arrest and shall be promptly notified of the charge or charges against him".

Based on the above-mentioned regulations, it is possible to establish that police officers making arrests must abide by the procedures established internally and internationally.

The Inter-American Court of Human Rights

126. Anyone who is detained "has the right to live in conditions of detention compatible with his personal dignity and the State must guarantee him the right to life and personal integrity"35.

35 Thus, the vulnerability of the person deprived of liberty is aggravated when the detention is illegal or arbitrary, leaving the detainee in complete defencelessness and with the risk that other rights are violated, mainly integrity and dignified treatment36.

In the same vein, international human rights law has determined in instruments such as the United Nations Code of Conduct for Law Enforcement Officials, that "Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary".

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that: "15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force except when strictly necessary to maintain security and good order in institutions or when the physical integrity of persons is at risk"37.

With regard to the need for the existence of an order issued by a competent authority, it is evident that this aspect was omitted since the intervention of 25 September 2011 was not carried out by virtue of a warrant or court order that determines the restriction of the right and the conditions in which the detainees were held, both men and women with their children, were not even offered by the police.

Right to freedom of movement (freedom of transit)

This right implies the freedom enjoyed by all persons to move within the national territory and the autonomy to change residence or domicile within the country. It is also possible to refer, already in the particular case, that protected by this right, people can mobilise individually or collectively in a free manner as a constitutionally recognised form of protest.38

Political Constitution of the State

Article 21.7 establishes that Bolivian men and women have the right to freedom of residence, residence and movement throughout the Bolivian people, including entry and exit.

Doctrine

Based on a review of constitutional doctrine, it can be established that the right to freedom of movement can be understood in four dimensions: to enter the national territory, to remain in it, to transit through the national territory and to leave it.

International instruments protecting this right

- Article 13 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Civil and Political Rights
- Article 22 of the American Convention on Human Rights.

Constitutional Jurisprudence

The Plurinational Constitutional Court refers to: "the fundamental right of free movement, understood as the freedom of man to stay, circulate, transit and leave his radius of action when he so wishes and intends, enshrined in Article 21.7 of the CPE, that is, the right to "freedom of residence, permanence and circulation throughout Bolivian territory, which includes leaving and entering the country".39

In the case we are analysing, it is clear that there was a restriction on the part of the police forces when they tried to disrupt this march and intervene it in an illegal manner, and also did not allow it to advance along certain stretches.

Methodology

This article, due to the characteristics of the subject under investigation, basically requires a bibliographical review oriented in two directions:

First, the documentary, newspaper and historical study of the most serious acts of violence that occurred during the period of Evo Morales' government, with an emphasis on the conflict over the TIPNIS (2011) with the aim of identifying some degree of partiality among these aimed at obstructing the execution of justice and the identification of those responsible.

Secondly, based on the collection of this data, it will be possible to delimit the criminal offences in which these facts are framed according to national and international regulations, i.e. the method of legal exegesis is taken into account for the interpretation and corresponding classification of crimes. The Jurisprudence of interests and concepts related to crimes against humanity and genocide of the Plurinational Constitutional Court and International Human Rights Courts such as the Inter-American Court of Human Rights and the International Criminal Court. The use of this second method aims to demonstrate that there are instances of trial and effective procedures for the exercise of Justice, the establishment of sanctions and the reparation of damages to the victims.

Results

With regard to the statements made by government authorities and officials concerning an alleged break in the chain of command regarding the official order to intervene or not in the march, it can be determined, from what has been analysed above, that the alleged break was due to factual and not tactical issues, since when Foreign Minister Choquehuanca was removed from the march, a conflict began between the police who were guarding the march and who tried to block its passage and the marchers, resulting in the intervention in the face of the obvious friction between indigenous people and the police.

Clear orders from Llorenti

After analysing the information gathered from the media and some government reports, it is possible to determine that the orders given by the then Minister of Government, Mr. Sacha Llorenti, through lower levels up to those in charge of the police contingent, were carried out to the letter, with a difference of hours between the time established for their execution and the moment when they were put into effect.

Contrasting information

It is also evident that the official reports of government officials and authorities to which we had limited access do not coincide with the statements made by the victims to the Ombudsman and to the mass media, and the former attempt to evade the responsibility of whoever gave the order to intervene the March, as well as the individuals involved in the execution of these violent attacks.

Existence of human rights defence bodies

Bolivia, being a country with a broad recognition of Human Rights, has included in its Basic Law a description of these rights and the remedies available in case of violation. Likewise, as a signatory of different International Conventions for the Protection of Human Rights and has access to International Courts of Justice, it is possible to appeal in case of need and as long as there is no internal response to the demands for justice of the victims of this unfortunate police intervention.

Conclusions

After an analysis of the events of 25 September against the indigenous participants in the 8th Indigenous March, the following conclusions have been reached:

There was premeditation in carrying out the intervention, according to the official statements of police and government officials involved in the intervention and the existence of evidence of the purchase of materials that would be used to attack and of services contracted for the transfer of the detained marchers.

There was an advance in the intervention of the march, which does not mean that it was carried out in a calmer manner, but rather, because it was tied to a previous confrontation, it was carried out in a more violent manner and, of course, the order of the then Minister of Government was carried out to the letter. By the police officers under his command and the contingent they led. This shows a lack of intention in the resolution of this conflict and in the administration of justice in favour of the victims, even allowing some people to be excluded from any judicial process, as is the case of the former government minister himself.

The elements of crimes against humanity exist, the description of the violent acts and the damage caused to the marchers and their families constitute crimes against humanity⁴⁰ of:

There is a delay in justice, although an investigation process has been set up in relation to the intervention in the 8th Indigenous March, after four years there are no results, and the whole investigation has been postponed or carried out so slowly that those responsible could have been cleared of their responsibility long ago.

With this accumulation of information, it is possible to file a lawsuit before international human rights instances, since, as we mentioned before, if there is no effective and efficient response from the authorities to establish the responsibilities of the guilty parties and justice for the victims does not materialise, it is possible to file a lawsuit and a request for investigation before other international instances related to human rights, such as tribunals to which Bolivia is a signatory, such as the Inter-American Court of Human Rights or the International Criminal Court.

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