



irct

International
Rehabilitation
Council for
Torture Victims

Torture in Bolivia

Developed in collaboration with Institute for Research and Therapy of Torture Sequels and State Violence (ITEI)

(Instituto de Terapia e Investigación sobre las Secuelas de la Tortura y la Violencia Estatal)

1 How many victims?

The Ombudsman reported 3784 complaints of torture during the period between 2007 and 2012.

2 Who are the victims?

Victims do not belong to a particular age group or gender. However, they are primarily farmers, members of indigenous groups or workers of low socio-economic status. They are frequently members of social movements defending their labour or land rights.

3 Who are the perpetrators?

- Police
- Armed forces
- Prosecutors
- Landowners
- Members of the elite class
- Judges

4 Where does torture take place?

In the centres of the specialised crime task force (*Fuerza Especial Contra el Crimen – FELCC*), on the street, in detention centres and in buildings belonging to the armed forces.

Overall situation of torture

Torture continues to be used as a means of conducting investigations and as a form of intimidation against civil society by the police and armed forces in Bolivia. There is no state policy for the eradication of torture and no state official has been convicted for committing torture.

The fight against torture fails most in the areas of prevention and access to justice: impunity persists.

Torture disproportionately affects people of low socio-economic status as well as members of oppositionist social movements. In geographical terms, central cities like La Paz, Cochabamba and Santa Cruz are more affected by torture than others.

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When does torture take place?

Primarily during social conflicts, at the time of arrest and during detention.

The overall situation of torture rehabilitation

There are no public policies to provide rehabilitation services for victims of torture in Bolivia. ITEI is the only institution specialised in providing holistic rehabilitation services: primarily psychological and medical rehabilitation. In some cases (depending on the availability of funds), services can include legal support as well as physiotherapy. However, the services provided by ITEI are insufficient to meet the needs of torture victims across the country.

ITEI rehabilitation centres are located in La Paz and Cochabamba. ITEI also aims to intervene in other cities and regions affected by torture: El Alto, Chuquisaca departments, Pando, Oruro, in the region of Alto Parapetí (department of Santa Cruz). It cannot however respond in all cases due to lack of funding.

While ITEI guarantees the confidentiality of its clients, it cannot always guarantee their safety.

Forensic documentation of torture and ill-treatment

While the law requires doctors in prisons to examine inmates at arrival and departure from the facilities, in practice, the right to medical examination is not guaranteed. Examinations following torture allegations are not always immediate. Furthermore, they are performed by the Institute of Forensic Investigations (*Instituto de Investigaciones Forenses – IDIF*), which is subordinate to the Ministry of Justice and therefore lacking in independence. Due to the shortages of funding, the IDIF requires the victims to cover the costs of their medical examinations.

Most forensic doctors and medico-legal professionals claim to know the Istanbul Protocol but fail to apply it. There is no system to monitor or evaluate the quality and effectiveness of medical examinations.

The ITEI provides training to health and legal professionals, the police and the military which is funded by the UN Voluntary Fund for Victims of Torture, OAK and the British Embassy. The state does not address this issue.

What regional and/or international treaties/conventions are applicable?

NATIONAL:

The constitution prohibits all forms of torture, enforced disappearance, confinement, coercion or any form of physical or emotional violence. Public servants or authorities who commit, instigate or consent to these offences are to be removed from their post and subjected to the penalties prescribed by law.

Although the Penal Code punishes torture, the code comes from the period of dictatorship and is not compliant with the UN CAT. This law punishes torture with minimum penalties, and up to date no public official has been found guilty under it.

The Penal Code contains some provisions for reparations to victims of judicial error, but there is no specific mention of victims of torture. The Penal Code further includes victims of torture into the provisions for the rehabilitation of the innocent and convicted by a miscarriage of justice, but these provisions are not implemented.

REGIONAL:

- American Convention on Human Rights (Pact of San José) – ratified 1979
- Inter-American Convention to Prevent and Punish Torture – ratified 2006

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Legal framework for reparation, accountability and prevention

INTERNATIONAL:

- Covenant on Civil and Political Rights (ICCPR) – ratified 1982
- First Optional Protocol to the ICCPR – ratified 1982
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (UN CAT) – ratified 1999
- Optional Protocol to CAT (OPCAT) – ratified 2006

REPARATION:

The constitution grants victims the right to reparation and compensation of damages in a timely manner.

However, in practice, no form of reparation is available to victims as no public officials have yet been convicted of torture. Furthermore, victims fail to demand redress as they are unaware of their rights.

ACCOUNTABILITY:

While torture is criminalised, confessions obtained under torture continue to be admitted in court – the exclusionary rule is not applied in practice.

Victim participation in the justice process is limited – only in rare cases are they allowed to testify in court.

PREVENTION:

In December 2013, the Service for the Prevention of Torture (Servicio de Prevención de la Tortura, SEPRET) was established as subordinate to the Ministry of Justice. However, SEPRET does not meet the requirements of a National Preventive Mechanism (NPM) under the OPCAT due its lack of independence from the state.

Priorities and concerns

Recommendations from the IRCT and its member centre

- Ensure that the definition of torture under all state legislation is fully aligned with international standards, notably UN CAT, and provide for the inadmissibility in court proceedings of evidence obtained under torture.
- Put in place a functioning and effective National Preventive Mechanism (NPM) to comply with the obligations of the OPCAT, which was ratified in 2006.
- Train medico-legal professionals in the documentation of torture and preparation of medico-legal reports following the guidelines set out in the Istanbul Protocol.
- Take the necessary steps to guarantee the safety and physical integrity of human rights defenders by protecting them against any acts of intimidation or violence that they may face in the course of their activities.

Recommendations from international bodies

- Take appropriate measures to stop the torture, cruel and inhuman treatment by the police, including sexual violence, of children in street situations, as well as the harassment of adolescents due to their physical appearance, ethnicity or poverty. Investigate all reports of the occurrences.
- Adopt the legal and administrative measures necessary to establish a national public register of detainees.
- Establish a centralized public registry of torture allegations and ill-treatment and the results of investigations.
- Ensure the effective enforcement by government prosecutors of their duty to conduct criminal investigations into any torture allegation.

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- Review procedures and standards on discipline in prisons to ensure that they do not lead to cruel and inhuman treatment.
- Take appropriate measures to ensure that no person can be expelled, returned or extradited to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture.

Member contact details

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The International Rehabilitation Council for Torture Victims (IRCT) is an independent, international health-based human rights organisation, which promotes and supports the rehabilitation of torture victims, promotes access to justice and works for the prevention of torture worldwide. The vision of the IRCT is a world without torture.

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