



WOLA Background Paper



Waging the War on Drugs in Bolivia

WOLA: Washington Office on Latin America

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PREFACE AND ACKNOWLEDGMENTS

In January 1996, the Washington Office on Latin America (WOLA), Human Rights Watch and the Maryknoll Society Justice and Peace Office invited other human rights and religious organizations to join us in writing to then-U.S. Secretary of State Warren Christopher to express concern about the impact of U.S. antinarcotics policy on human rights in Bolivia. The response to our initiative went well beyond our expectations: twenty-nine organizations -- most of which did not have active programs on Bolivia -- signed onto the letter and expressed interest in doing more to educate their constituencies about the unintended consequences of the U.S. war on drugs in Bolivia.

Since that time, WOLA has closely monitored U.S. antinarcotics policy toward Bolivia, with particular attention to the Chapare coca growing region, where local coca growers bear the brunt of antinarcotics efforts. The purpose of this report is to disseminate some of the information and analysis we have collected to collegial organizations who joined in the 1996 effort and to others interested in U.S. policy toward Bolivia. We hope it will serve as a guide to understanding the dynamics of anti-drug policies in Bolivia, the myriad of U.S. and Bolivian law enforcement and military units involved, and the collateral damage of the U.S. war on drugs being waged in that country.

WOLA wishes to express its deep gratitude to Jacqueline Williams, who conducted research in Bolivia and the United States during the latter part of 1996 and wrote this report. Without her dedication and deep interest, this report would not have been possible. WOLA would also like to thank the Andean Information Network (AIN) in Cochabamba, Bolivia, which has become our most trusted and reliable source of information on developments in that country. WOLA Senior Associate Coletta Youngers revised and edited the report, with the assistance of Bill Spencer, WOLA Deputy Director. Amy Nahley, WOLA Program Assistant, prepared the report for publication. Chelsea Valentine and Melissa Lykins also assisted with production. WOLA bears sole responsibility for the report's final content and analysis.

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Jacqueline Williams
February 28, 1997



Table of Contents

Preface and Acknowledgments	
I. Introduction	p.1
II. Relations between Bolivia and the United States	
A. U.S. Policy Toward Bolivia	p.5
B. The Sánchez de Lozada Government	p.8
III. Agents of the Drug War	
A. U.S. Actors	p.13
1. The Drug Enforcement Administration (DEA)	p.13
2. The U.S. Military	p.17
3. The U.S. Coast Guard	p.18
4. U.S. Border Patrol and U.S. Customs Service	p.20
5. The International Criminal Investigations Training Assistance Program (ICITAP)	p.20
B. Bolivian Actors	p.22
1. <i>La Fuerza Especial de Lucha Contra El Narcotráfico</i> (FELCN)	p.22
2. <i>Unidades Móviles de Patrullaje Rural</i> (UMOPAR)	p.26
3. The Ecological Police	p.27
4. <i>Grupo Especial de Seguridad</i> (GES)	p.27
5. International Antinarcotics Training Center <i>Garras de Valor</i>	p.28
6. The Bolivian Armed Forces	p.29
IV. The Costs and Consequences of the Drug War	
A. Human Rights Concerns	p.30
B. Official Initiatives to Promote Human Rights	p.33
C. Conflict Escalates in 1997	p.34
V. Conclusion	p.35
Annex I: U.S. Assistance to Bolivia	p.37
Annex II: Interdicting Precursor Chemicals	p.38
Annex III: The <i>Narcoavión</i> Case	p.39
Endnotes	p.41

I. INTRODUCTION

As one of the world's three leading producers of the coca plant and an increasingly important producer of cocaine itself, Bolivia is a linchpin in the U.S. "war on drugs." Levels of U.S. antinarcotics assistance and involvement in Bolivia in recent years provide ample illustration. Since former President Bush launched the Andean Initiative in 1989, Bolivia has received more than \$800 million in antinarcotics support and remains one of the top recipients of dwindling U.S. foreign assistance to Latin America. Approximately 64 percent of the assistance over the past 7 years has been dedicated to economic development activities and approximately 36 percent to police and military antinarcotics efforts. (See Annex I for additional data on U.S. assistance.) The U.S. government directly supports roughly a dozen law enforcement agencies or task forces, as well as special task forces of all three branches of the Bolivian armed forces -- a veritable narco-law enforcement complex.

In addition to development assistance, the U.S. government's economic assistance to Bolivia targets a range of important reform efforts undertaken by the Sánchez de Lozada government, including areas such as judicial reform and decentralization through the Popular Participation Law. This report, however, focuses on U.S. antinarcotics assistance for drug enforcement efforts -- by far the most controversial element of U.S. policy toward Bolivia -- which generates significant tension in bilateral relations and anti-American sentiment among the Bolivian population. U.S. antinarcotics efforts in the Bolivian Chapare are dramatically felt on the ground by those with the least say in the policy's implementation.

The purpose of this report is three-fold: to provide a sense of the political dynamics around the drug issue in Bolivia and in U.S.-Bolivian relations; to provide an overview of the counternarcotics law enforcement complex that spans dozens of U.S. and Bolivian military and police units; and finally to lay out some of the pressing human rights concerns related to the U.S. drug war in Bolivia.

A. Coca and the Cocaine Trade in Bolivia

As one of the world's three leading producers of coca and increasingly a producer of cocaine itself, Bolivia is one of the most strategically significant countries for the U.S. drug war. For centuries coca has been cultivated and used for traditional purposes in the Andean regions of Bolivia and Peru. Bolivian coca is grown primarily in the Chapare and the Yungas. The Chapare is an area of subtropical rainforest in the eastern lowlands of the department of Cochabamba. Most of the coca grown in this region is used in cocaine production. The Yungas is an area of deep mountain valleys about three hours drive north-east from La Paz, the capital. Yungas coca tastes sweeter and is used legally in Bolivia for chewing or as tea.

Bolivia has long been known as a primary producer of the coca leaf used for cocaine production, but according to U.S. officials it is increasingly a producer of the final product -- cocaine. Worldwide coca cultivation reached a new record of 214,800 hectares in 1995. Of that amount Bolivia produced an estimated 48,600 hectares, which made it the third largest producer after Peru and Colombia. Colombia experienced a 13 percent increase in coca cultivation in 1995 and overtook Bolivia, while Bolivia increased its cocaine production. According to the Drug Enforcement Administration (DEA), Bolivia now ranks as the world's second largest producer of cocaine with the potential to supply 240 metric tons annually.¹

DEA studies in Bolivia indicate that mature coca bushes (those two to fifteen years old and capable of producing full leaf harvests three or four times a year) are capable of producing 2.7 metric tons of leaf per hectare in the Chapare and 1.8 metric tons in the Yungas.² The DEA calculated that out of 48,600 hectares under cultivation in Bolivia in 1995, mature leaf accounted for 40,300 hectares, of which 26,300 hectares was growing in the Chapare. The remaining 14,000 hectares came from the Yungas and of that amount 12,000 hectares was legal coca for traditional uses. Based on these figures, Bolivia's coca crop in 1995 yielded an estimated 96,200 tons of leaf: 71,000 metric tons in the Chapare and 25,200 metric tons in the Yungas. By subtracting the 21,600 metric tons of legal coca grown in Yungas (equivalent to 12,000 hectares), Bolivia produced a net harvest of 74,600 metric tons of coca. That yields a potential 240 metric tons of cocaine.³

While coca is grown almost exclusively in the Chapare and the Yungas, the processing, storage and transportation of cocaine base and cocaine itself are spread over large areas of the northern and eastern departments of Bolivia, mainly in Santa Cruz, the Beni and Pando. Hundreds, possibly thousands of airstrips, some clandestine and others serving legitimate ranching operations, are scattered throughout these departments and used to facilitate transport of cocaine base from the Chapare to further processing points, within Bolivia or neighboring countries.

Drug trafficking in Bolivia has undergone changes in the last few years as a result of increased interdiction at the local level and other regional developments. Air and ground operations against drug traffickers in Bolivia destroyed several Colombian organizations operating in the country and reduced to a trickle the number of small aircraft entering the Chapare. As a result, traffickers in this region have taken to producing cocaine base which is smuggled out of the Chapare by road or river. In general, however, Bolivian traffickers -- allied with Brazilian, Argentine and Mexican networks -- have fared well in recent years, vertically integrating the cocaine industry and expanding both cocaine production and international transportation routes.⁴

At the regional level, events in Colombia and Peru have created new opportunities for Bolivian traffickers. In Colombia the collapse of the Medellín cartel with the death of Pablo Escobar in December 1993 and the steady blows against the Cali cartel in 1994 and 1995 have weakened the Colombian monopoly over cocaine. The ripple effects have been felt in Peru, where traffickers are almost exclusively tied to the Cali cartel. Bolivian traffickers, however, diversified. While fifteen

years ago Bolivians sold most of their coca paste production to Colombians who then turned it into cocaine base and refined cocaine, by the mid-80s, Bolivians were refining enough of their own cocaine to make it worth their while to establish smuggling routes independent of the Colombians -- trends accelerated by events in Colombia. Bolivian cocaine moves from Argentina, Brazil and Paraguay to Europe and from Mexico to the United States.

B. The Drug War on the Ground

A myriad of Bolivian and U.S. agencies, including the U.S. military and intelligence services, are intimately involved in the so-called drug war in Bolivia. The main and most visible actors are the U.S. DEA, the Bolivian *Fuerza Especial de Lucha Contra El Narcotráfico* (FELCN, or the Special Force for the Fight Against Drug Trafficking), its paramilitary arm, the *Unidades Moviles de Patrullaje Rural* (UMOPAR), and since 1995 the Ecological Police. U.S. supporting actors have included U.S. Special Forces, the U.S. Coast Guard, and to a much lesser degree U.S. Border Patrol and U.S. Customs, all of which have been involved in training Bolivians alongside the DEA. Bolivian supporting actors are the *Policía Técnica Judicial* (PTJ, or Technical Judicial Police), the three task forces from the Armed Forces that are seconded to the FELCN and five specialized support units. Bolivian and U.S. intelligence services also play an important role in the drug war. Although the Bolivian forces are on the front line, the presence of large numbers of U.S. personnel for antinarcotics purposes has generated controversy in Bolivia, as have widely-held perceptions that U.S. officials dictate, to a large degree, the Bolivian government's antinarcotics policies and programs.

Despite the alleged rise of Bolivian cocaine traffickers, the brunt of the counternarcotics operations carried out by the narco-law enforcement complex just described is borne by coca growers and the "mules" or "ants" of the drug trade. "Mules" are recruited from the ranks of the unemployed or underemployed to smuggle coca derivatives and chemicals. Most are women, often detained with small children. If caught by UMOPAR, they are taken to the detention center at the UMOPAR base camp at Chimore and from there sent to Cochabamba where the three prisons are overflowing with people detained on drug charges.

Despite valiant efforts by successive Bolivian governments to "denarcotize" relations with the United States, the drug issue continues to dominate the bilateral agenda. The Clinton administration has stepped up the pressure on Bolivia to comply with antinarcotics objectives -- and coca eradication targets in particular -- or risk cut-offs of U.S. assistance and other sanctions. After years of poor performance evaluations by Washington, the Bolivian government, susceptible to U.S. pressure for economic reasons, has stepped up coca eradication efforts and in 1996 eradicated over 7,000 hectares, a record amount. As a result of new plantings, however, net coca production decreased by only 312 hectares, a drop in the bucket of the estimated 48,000 hectares under production.

While the achievements of counternarcotics efforts have been meager, the political and social costs are high. Eradication operations in the Chapare often result in violent confrontations with coca growers. In 1995, such conflict resulted in seven dead, scores wounded and hundreds arrested. Shaken by those events, efforts were made by all sides to reduce tensions in 1996. Conflict increased considerably in early 1997, as the annual March 1 "certification" decision neared. (Each year the administration must "certify" to Congress that countries are cooperating with U.S. antinarcotics objectives. Those countries that are decertified face a cutoff in U.S. assistance and other sanctions.) In February 1997, violent confrontations between coca growers and police units reportedly led to at least five people wounded and dozens detained. Numerous coca federation leaders were arrested, and many others went into hiding.

Human rights abuses stemming from antinarcotics activities persist in the Bolivian Chapare. The Bolivian antinarcotics police -- trained and funded with U.S. assistance -- carry out arbitrary searches and arrests, mistreat the local population and use force indiscriminately in suppressing opposition to government antinarcotics policies. Members of government forces implicated in such abuses enjoy near total impunity. Important steps are being taken by the Bolivian and U.S. governments to address these concerns, but a formidable task lies ahead.

This report begins with an analysis of the impact of the drug issue on relations between the United States and Bolivia, failed Bolivian attempts to "denarcotize" that relationship, and stepped up pressure on the part of the Clinton administration on the Bolivian government to comply with U.S. antinarcotics objectives, particularly coca eradication. It then provides an overview of the narco-law enforcement complex, describing the myriad of U.S. and Bolivian agencies waging the drug war in Bolivia and assistance provided by the U.S. government. Finally, the report lays out the costs and consequences of the U.S. drug war in Bolivia.

II. RELATIONS BETWEEN BOLIVIA AND THE UNITED STATES

A. U.S. Policy Toward Bolivia

According to U.S. officials, U.S. policy in Bolivia is directed towards three objectives: fighting the war on drugs, strengthening democracy and encouraging sustained economic development. Of the three, drug policy clearly dominates the bilateral agenda.

The parameters of U.S.-Bolivian relations are set out in the 1987 U.S.-Bolivia Narcotics Control Agreement.⁵ The bilateral agreement, which was signed on February 24, 1987, came into force on August 13, 1987, and is renewed annually through the exchange of diplomatic notes, with annexes. At the time of signing, Bolivia agreed to: carry out an effective interdiction program, set up mechanisms to eradicate coca, fight drug trafficking and enact a law banning cultivation of all coca used in the manufacture of cocaine.

To meet these requirements, on July 19, 1989, the Bolivian Congress enacted Law 1008, *Ley de Coca y Sustancias Controladas*. Passed under strong U.S. pressure, Law 1008 gives the government sweeping powers to control coca production and drug trafficking. It also distinguishes between legal coca production, for coca leaves used for traditional religious and cultural purposes, and illicit coca production destined for the cocaine market. Law 1008 establishes:

- (1) A traditional zone of coca production in two provinces of the Yungas and a transitional zone of excess coca in the Chapare; and that
- (2) Excess coca is subject to gradual eradication of 5,000 to 8,000 hectares annually;
- (3) All other coca is illegal and therefore subject to forced eradication;
- (4) The government must fund alternative development in the Chapare to replace eradicated coca; and finally
- (5) Herbicides, chemicals or any other defoliants are prohibited.

Coca may only be eradicated by manual or mechanical methods phased in with development planning in transitional and traditional zones.⁶ While this has sparked some controversy with the U.S. government, which puts forward aerial eradication as the most effective means of eliminating coca crops, Bolivians across the political spectrum have been adamantly opposed to the use of chemicals in eradication campaigns because of health and environmental concerns.

One of the more controversial provisions of Law 1008 is the establishment of "controlled substances courts" for drug offenses. Law 1008 cemented the creation of a parallel justice system

for drug cases with severe restrictions on the rights of the defendant and expanded powers for the police in carrying out raids and in preparing evidence for drug trials. The law requires that all of those detained on drug trafficking charges -- regardless of the strength of evidence obtained or the nature of the charges -- be detained without possibility of bail as the case winds its way through an appeal process. Until the law was reformed in early 1996, even if acquitted in the first trial, the accused remained in jail until the case was appealed to two higher courts -- a process which usually takes two to five years. As drug traffickers are more often than not able to bribe their way out of jail, the Bolivian poor -- the most vulnerable sector of society -- are the primary victims of this system.

Since their creation, the U.S. government has provided significant financial assistance to these courts. U.S. support for the courts pales, however, in comparison to its support for counternarcotics activities. The greater part of U.S. foreign assistance to Bolivia goes to those forces directly involved in coca eradication, such as the UMOPAR (*Unidades Móviles de Patrullaje Rural*) anti-drug police, the Ecological Police, and the antinarcotics task forces of the three branches of the Bolivian armed forces. In 1997, increased funding is available for DIRECO (*Dirección de Reconversión de la Coca*) and DINACO (*Dirección Nacional de Control de la Coca*), agencies that oversee coca reduction and coca production.⁷ Under the bilateral agreement, the U.S. government has also provided Economic Support Funds -- or balance of payment support -- which help the Bolivian government defray the costs of coca eradication and alternative development, and it continues to provide development assistance.

The disbursement of these funds depends on Bolivia's compliance with U.S. policy objectives -- primarily annual eradication targets. This has resulted in a vicious circle whereby Bolivian government officials undertake the necessary steps to meet eradication targets, but then back down in the face of local opposition, only to step up actions again in the face of U.S. criticism and threats or actual cut-offs of U.S. assistance. Since the U.S. launched its war on drugs in Bolivia, coca production has steadily increased. Even in years when eradication targets are met, net coca production has gone up due to new plantings and maturation of recently-planted coca.

U.S. assistance also depends on an annual certification by the U.S. President that Bolivia is complying with U.S. antinarcotics objectives. The certification clause was enacted in the Anti-Drug Abuse Act of 1986 (P.L. 99-570) which became law during the Reagan Administration. Each year, the President must "certify" to Congress that major drug producing or major drug transit countries have cooperated with programs to combat illicit drug production, trafficking and money laundering. Failure to be certified results in the loss of U.S. foreign assistance (though there is an exception for aid related to counternarcotics activities), "no" votes by the U.S. government on loans from multilateral development banks and possible trade sanctions. The President can decertify a country for lack of cooperation, but issue a waiver of the penalties if he feels that terminating U.S. assistance would pose a risk to U.S. national security. Widely viewed in Latin America as U.S. interventionism at its worst, the annual certification process remains a sticking point in U.S. relations with the region and Bolivia in particular.

In 1989 the Bush administration launched the Andean initiative, a five year program under which the U.S. allocated \$2.2 billion to combat drug trafficking in Bolivia, Peru and Colombia, the source countries for cocaine entering the United States. The Andean initiative provided for an expanded role of U.S. military and intelligence services and the involvement of local military forces in the "drug war," which in Bolivia became known as "militarization." U.S. insistence on having the Andean countries involve their military forces -- rather than just civilian law enforcement agencies -- in counternarcotics operations met with resistance from Bolivia, a country with a long history and painful memory of repression under military dictatorship.

The Paz Zamora government reluctantly agreed to the entry of the Bolivian army into the drug war, but strong domestic opposition prevented the policy from being fully implemented under his government. In October 1991 troops from the Manchego army battalion specially trained by the U.S. for counternarcotics operations took part in one operation (Operation Definite Notice) in the remote border areas of Santa Cruz, but rising political opposition prevented further army involvement at that time. Thereafter, relations with the U.S. were overshadowed by Bolivia's failure to follow through with an enhanced role for the army and failure to sign the extradition treaty that the United States had negotiated in 1990. By the time of the San Antonio drug summit of regional governments in February 1992, the U.S. government threw in the towel and announced that it would reallocate funding for the army to the other two branches of the armed forces. It was not until after the next Bolivian government came into office that the army was reintroduced to the counternarcotics effort.

Following the election of President Clinton, a National Security Council (NSC) review concluded that the U.S. military had failed to stop the flow of cocaine into the United States, despite spending hundreds of millions of dollars on interdiction in the transit zones of the Caribbean and Central America. The NSC proposed a reduction of \$200 million in the Pentagon's counternarcotics budget and the reallocation of some of those funds to help the "source countries" of Bolivia, Colombia and Peru fight drug trafficking. The Clinton administration maintains the view that organized crime, including drug trafficking, has replaced communism as the primary threat to democracy and global security.⁸

Apart from greater emphasis on source country efforts, the Clinton administration basically continued the policies mapped out by President Bush in the Andean Initiative. Taking on Republican critics who have tried to portray him as "soft on drugs," Clinton has stepped-up strong-arm tactics with Andean leaders. Threats of decertification escalated in recent years and for the first time a U.S. ally -- Colombia -- was fully decertified in 1996, sending a chilling message to the rest of the region. U.S. visa controls have been tightened in order to deny entry to any person suspected of drug-related activity -- resulting in the suspension of visas of former Bolivian President Jaime Paz Zamora and current Colombian President, Ernesto Samper. The United States continues to pressure major drug producing and drug transit countries to sign extradition treaties.

The increasing threats of decertification have prompted Bolivia to submit to U.S. dictates and meet eradication targets which it failed to do between 1993 and 1995. As a result, between 1995 and 1996, the U.S. achieved two major policy objectives in Bolivia: sustained coca eradication that meets fixed annual targets and an extradition treaty, which was ratified by the Bolivian Congress on November 6, 1996. The Bolivian government is also moving ahead on laws to deal with seized assets and money laundering.

B. The Sánchez de Lozada Government

After winning 38 percent of the vote in the 1993 presidential elections, the leader of the *Movimiento Nacionalista Revolucionario* (MNR), Gonzalo Sánchez de Lozada, was sworn in as President of Bolivia on August 6, 1993, at the head of a coalition government. On September 14, 1993, the Bolivian Congress approved the reorganization of the government. The Ministry of Interior, Migration and Justice was abolished and in its place two ministries were created: a Ministry of Justice and a Ministry of Government.⁹

Under previous governments, drug control policies were overseen by three ministries: the Ministry of Interior was responsible for eradication and interdiction, the Ministry of Agriculture and Farming for alternative development and the Ministry of Health for prevention. With the reorganization of the government, the Minister of Government through the National Secretary for Social Defense now oversees all aspects of drug policy. Critics charge that this new structure gives too much power to one minister. They also note that interdiction and prevention require different approaches, and question, for example, the placement of health aspects of the drug abuse issue under a ministry charged with law enforcement.

The preoccupation with reorganization -- as well as new mining and tax legislation, privatization and educational reform -- left the country without a coherent drug strategy and it failed to meet coca eradication targets. In 1993, Bolivia eradicated only 2,400 hectares of coca, as compared to the 5,149 hectares eradicated by the Paz Zamora government in 1992.¹⁰ With the annual certification decision approaching, President Sánchez de Lozada went to Washington in October 1993 to put forward proposals for combining eradication with alternative development and to ask for increased U.S. economic assistance for the coca eradication program. He also promised to fight corruption and improve government performance in drug suppression activities. The U.S. accepted that opposition from coca farmers and government reorganization were responsible for the low figure in 1993 and justified certification of Bolivia in March 1994 on national security grounds.

However, back in Bolivia Sánchez de Lozada sought to accommodate his coalition partners who wanted to "denarcotize" relations with the United States and upon his return from Washington announced that drugs would no longer dominate the bilateral agenda. One year later he was forced to reverse that statement, admitting that it was going to be difficult to "denarcotize" the relationship given the U.S. government's priorities.¹¹

As the government stepped up antinarcotics efforts in early 1994, conflict soon erupted. Violence broke out in the Chapare in February 1994 forcing the government to abandon its eradication program.¹² More unrest followed in June 1994 with the start of Operation New Dawn, a major antinarcotics offensive in the Chapare. In September thousands of coca growers arrived on La Paz to protest the government's eradication policies. President Sánchez de Lozada attended a two-day national debate on coca and cocaine, which resulted in a ten-point accord and a commitment by the government to review Law 1008.¹³

The government had staved off a confrontation with coca growers, but faced problems on the international front. A Bolivian proposal in September 1994 for the UN General Assembly to support removing the coca leaf from the 1961 Vienna Convention controlled substances list had to be abandoned after foreign diplomats and representatives of the international organizations in La Paz warned President Sánchez de Lozada that the plan would be universally opposed. A few weeks later U.S. Deputy Chief of Mission, David B. Dlouhy, blasted the Bolivian government for its failure to eradicate coca. According to Dlouhy, there were 33,000 hectares of illegal coca cultivation in Bolivia.¹⁴

Pressure was mounting on Sánchez de Lozada to decide which direction his government was going to take. The first indication that it would be Washington's line came in a television interview in November 1994 when he announced a policy of zero tolerance towards coca growers in the Chapare. "Nobody chews coca in the Chapare, and pretty much all it is used for is to make cocaine," he said. His remarks provoked an outcry among coca growers and forced him to retract and say that he meant zero tolerance towards cocaine. It was a first shot in a government campaign designed to show Bolivians that Chapare farmers had shifted into cocaine production and trafficking. But it did nothing to appease the opposition who accused him of giving into the United States.¹⁵

By early 1995 -- and with U.S. elections looming on the horizon -- the Clinton administration ran out of patience and threatened Bolivia with full decertification. In 1994, Bolivia eradicated 1,058 hectares (rounded up to 1,100 ha. in official figures), which was less than half the 2,400 hectares eradicated in 1993, and less than a quarter of the 5,149 hectares which had been eradicated by the Paz Zamora government in 1992.¹⁶ According to U.S. officials, not only had coca eradication fallen dramatically in the previous two years, but Bolivia still lacked a clearly defined eradication policy and had failed to sign a new extradition treaty.

On March 2, 1995, the U.S. informed the Bolivian government that it was considering decertification. The U.S. gave Bolivia until June 30 to meet these goals:

- * - sign a mutually agreeable extradition treaty with the United States;

- * develop a comprehensive and mutually acceptable plan to eradicate illicit coca cultivation, covering short, medium and long-term goals;
- * eradicate 1,750 hectares in the Chapare.¹⁷

The U.S. ultimatum ended 18 months of indecision and contradictory signals emanating from La Paz. It also coincided with internal upheavals in Bolivia over educational reform. Protests by teachers' unions supported by the main labor federation, the *Centro Obrero Boliviano* (COB) took on an anti-American tone as the public expressed its outrage. The coca growers and political opposition threatened to stop eradication unless there were guarantees of alternative development. Left without room to maneuver, the government faced two difficult choices: ignore U.S. demands and lose U.S. economic assistance and loans by multilateral organizations or comply with U.S. demands and risk domestic upheaval.

The government decided on the latter course of action. Bolivia committed to eradicating 1,750 hectares of coca by June 30 and a further 5,400 hectares by December 31, 1995. On April 18, the government declared a state of siege, ostensibly to curb the activities of the teachers' unions; however, it also provided a means of enforcing the new eradication policy. A curfew was introduced, meetings banned and labor leaders arrested. Coca grower federation leaders were also arrested and the government undertook a survey of coca cultivations in the Chapare....The survey and eradication program was supported by the U.S. which provided funding for 250 additional national police, 30 military surveyors and 300 Ecological Police.¹⁸

Bolivia met all three conditions of the ultimatum by June 30, eradicating 5,493 hectares of coca before June 30, submitting a mid-term eradication program and made progress on an extradition treaty which eventually entered into force in November 1996. The political and social costs, however, were quite high. The eradication efforts sparked violent confrontations with coca growers, resulting in at least seven deaths, scores wounded and hundreds arrested. In the municipal elections at the end of the year, coca grower leaders opposed to the government's policies were swept into local offices in the Chapare coca growing region.

To complement coca eradication, the Bolivian government carries out alternative development activities in coca growing zones and maintains that these programs are working because coca farmers are accepting compensation and exchanging coca for crops such as bananas and pineapples, which it says have a profitable future. DIRECO supervises the eradication process and makes compensation payments of \$2,500 per hectare of coca. It also sets terms: 70 percent eradication entitles a community to high-visibility quick impact projects, such as repairs or completion of existing communal structures; 100 percent eradication entitles it to longer term projects involving infrastructure. These projects are paid for by the U.S. Agency for International Development (USAID) and the United Nations Drug Control Program (UNDCP). Critics charge that in the last ten years only a small percentage of the money provided under international cooperation

agreements has been spent on actual development, and that the programs are poorly managed and not developed in consultation with local communities.

Over the course of the conflict in 1995, the Bolivian government and coca growers continued to negotiate to deflate political tensions and violence. In March 1995, the Bolivian government signed an agreement with coca growers which establishes that coca planted before April 1995 will not be eradicated. A second agreement signed in October 1995 allows each family to have two hectares of coca. A third agreement signed on February 3, 1996, agrees to cease forced eradication.¹⁹ These agreements have been harshly criticized by the U.S. government and routinely ignored by the Bolivian government.

The Bolivian government's eradication efforts continued in 1996 and were stepped up in the second half of the year. By the fall of 1996, coca eradication in the Chapare was proceeding at the rate of 500 hectares per month. The government met its 1996 eradication target of 6,000 hectares of transitional coca and 200,000 square meters of seedbeds. As of September 30, 1996, the Ecological Police had eradicated 4,529 hectares of transitional coca, 800 hectares of new coca and 12,000 square meters of seedbeds, which translates into 12,000 hectares of new coca.²⁰ By the end of the year, Bolivian antinarcotics forces had eradicated 7,512 hectares of coca and, due to stepped-up efforts to reduce new planting, 84,238 square meters of seedbeds. However, U.S. satellite photos reveal that an additional 7,200 hectares of new coca was planted or had been planted in the last 18 to 24 months, resulting in a net eradication of only 312 hectares of coca.²¹

The U.S. government has also stepped up pressure on the Bolivian government to initiate eradication activities in the Yungas, a traditional coca growing region. Bolivian and U.S. officials say the government will eradicate 2,000 hectares of illegal coca in the Yungas, but no plans or dates have been revealed. "We are in negotiation," is the standard response of government officials when pressed for details. Bolivian human rights analysts fear that the potential for violence in the Yungas, known for its militant peasant organizations, is even greater than that characteristic of the Chapare and could lead to widespread protests and violence.

Despite initial U.S. opposition, under the Sánchez de Lozada government minimal reforms to Law 1008 were implemented. On October 27, 1994, the Bolivian Congress took up the matter of the reform of Law 1008 and invited the committees on Constitution and Justice, Narcotics and Human Rights to submit proposals. The government also initiated a study and preempted the wider ranging reforms that Congress wanted with its own reform package, focusing on the controlled substances courts.²² The reforms proposed by the Minister of Justice were incorporated into the Law of Judicial Bond which was passed by Congress on February 2, 1996. Of greatest significance, the Law of Judicial Bond allows those acquitted in the trial court to be released from jail during the phase of the appeal process. It does not, however, allow for pre-trial release for any defendants in narcotics cases. While opponents of Law 1008 regard this as no more than the first stage in a lengthy process, further reform appears unlikely. The Minister of Justice at the time, Dr. Rene

Blattmann, made it quite clear that the Law of Judicial Bond is as far as the government is prepared to go in reforming Law 1008.²³

The Bolivian government is also working on the overhaul of the penal code, which includes provisions criminalizing money laundering. The United States has been pressing the Bolivians to make money laundering a crime and at least one press report has hinted that future could depend on passage of such a law during the current session of Congress.²⁴ A draft law prepared by the Sánchez de Lozada government was revised in January 1997 and, at the time of this writing, is pending before the Bolivian Congress.

By early 1997, it became clear that the U.S. government was basically pleased with Bolivia's antinarcotics actions over the course of 1996. The certification debate in Washington became focused almost exclusively on two countries -- Colombia and Mexico -- with scant attention paid to Bolivia. Yet the underlying dynamic in the relations between the United States and Bolivia remains the same: the Bolivian government must continue to wage the U.S. drug war, despite its political costs, or face U.S. sanctions.

III. AGENTS OF THE DRUG WAR

To combat the cocaine trade in Bolivia, a vast array of U.S. and Bolivian police, military and intelligence forces carry out and support counternarcotics efforts in that country -- a veritable narco-law enforcement complex. The main and most visible actors in the drug war in Bolivia are the U.S. Drug Enforcement Administration (DEA), the Bolivian *Fuerza Especial de Lucha Contra El Narcotráfico* (FELCN, or the Special Force for the Fight Against Drug Trafficking), its paramilitary arm, the *Unidades Móviles de Patrullaje Rural* (UMOPAR), and since 1995 the Ecological Police. U.S. supporting actors have included U.S. Special Forces, the U.S. Coast Guard, and to a much lesser degree U.S. Border Patrol and U.S. Customs, all of which have been involved in training Bolivians alongside the DEA. Bolivian supporting actors are the *Policía Técnica Judicial* (PTJ, or Technical Judicial Police), the three task forces from the Armed Forces that are seconded to the FELCN and five specialized support units.

Intelligence services also play an important role in the drug war. U.S. agencies involved include the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA) and the DEA. Bolivian intelligence agencies participate, but are not specified by name in government documents. Public information on the antinarcotics-related activities of either U.S. or Bolivian intelligence agencies is virtually impossible to secure, and therefore these agencies are not held accountable for their actions. Lack of transparency also fuels speculation: rumors abound in Bolivia as to the activities and strategic plans of the CIA in particular.

Since December 1981, under the terms of Executive Order 12333 signed by President Reagan, the CIA has assisted drug enforcement efforts through the collection, analysis and dissemination of information regarding foreign narcotics production. The CIA has also coordinated research to develop technologies to better detect drug trafficking.²⁵

DEA intelligence gathering and dissemination is centralized in the Intelligence Division at DEA headquarters in Washington. Within the unit, there are three offices focusing on major drug organizations, drug cultivation and production trends, and analysis of drug trafficking organizations' infrastructure and operations. In addition, the DEA's El Paso Intelligence Center (EPIC) serves as a clearinghouse for intelligence gathering and diffusion, and functions as the DEA's national information center. The DEA's operational intelligence is used to support domestic and worldwide investigations and as appropriate this information is shared with domestic U.S. agencies at the federal and state level.

A. U.S. Actors

1. The Drug Enforcement Administration (DEA)

The DEA was created in 1973 at a time when U.S. law enforcement was expanding overseas. Four agencies responsible for drug enforcement and intelligence were merged into one organization within the Department of Justice and renamed the DEA.²⁶ The DEA provides overseas training in schools and seminars in Basic and Advanced Drug Enforcement Schools, Clandestine Laboratory Seminars, Intelligence and Analytical Methods Schools, Financial Investigative Methods Schools and Judicial Seminars. DEA training teams also travel throughout the world conducting training sessions in such areas as investigative procedures, intelligence gathering and the use of technical equipment.²⁷ In 1993, the DEA created a one-week course for top career drug law enforcement officials abroad in different geographic regions to meet to discuss the latest trends in management of drug enforcement programs. The DEA also provides intensive developmental assistance to national drug enforcement units.

The DEA has 70 offices in 49 countries worldwide. In Bolivia the DEA operates out of three cities -- La Paz, Santa Cruz, and Cochabamba -- while maintaining a presence in Trinidad in the Beni and Chimore in the Chapare. According to a statement by the Minister of Government Carlos Sánchez Berzain on October 4, 1995, there were 29 DEA agents in Bolivia: 15 in the department of La Paz, 8 in Santa Cruz and 6 in Cochabamba.²⁸

The La Paz office is known officially as the Country Office. Heading the DEA team in Bolivia is the Country Attache whose specific functions are to serve "the U.S. ambassador and the host country in an advisory capacity." The Country Attache reports directly to the ambassador and then to DEA headquarters in Washington. He is a member of the Country Team which is chaired by the Deputy Chief of Mission (DCM) and meets weekly to review developments and policy. Each

DEA regional office is staffed by a Resident Agent who supervises the work of special agents assigned to that office.

The official DEA mission overseas is fivefold:

- (1) To conduct investigations with local anti-drug forces;
- (2) To gather and coordinate intelligence;
- (3) To engage in foreign liaison;
- (4) To coordinate training programs for local police agencies; and
- (5) To assist in the development of local law enforcement institutions.

The DEA first opened an office in La Paz in 1975. The office was closed down after the military coup in July 1980 when the U.S. suspended its military assistance program to Bolivia. DEA agents returned to Bolivia in March 1981 to investigate the drug trafficking activities of ex-Minister of Interior Colonel Luis Arce Gómez, who had resigned in February 1981. The La Paz office reopened in September 1981, and the DEA has remained in Bolivia ever since.²⁹

On April 10, 1987, the DEA initiated Operation Snowcap in Bolivia, Colombia and Peru. A multi-faceted program to combat drug trafficking, Snowcap ran for eight years in Bolivia and focused on setting up programs to suppress the drug trade and training Bolivians to run them. These include:

- (1) Operation Pipeline: detected the movement of precursor chemicals and cocaine products by road. The DEA and U.S. Border Patrol trained Bolivian police in techniques being used in similar operations in the United States.
- (2) Operation ChemCon: identified and disrupted the flow of precursor and essential chemicals for cocaine production.
- (3) Riverine Operations: designed to monitor Bolivia's extensive river system which is being used by traffickers to transport coca products and chemicals.

As part of Operation Snowcap, the DEA planned and oversaw the execution of major paramilitary-style operations to suppress drug laboratories. These operations were carried out in conjunction with the UMOPAR. The main targets were paste laboratories in the Chapare and refined cocaine laboratories hidden away in more remote areas of the country like the Beni and the departments of Santa Cruz and Pando. These operations were modeled on Operation Blast Furnace -- in which 160 U.S. troops and Bolivian forces conducted a four-month campaign in 1986 against trafficking operations in the Bolivia -- which relied on small aircraft and UH-6 helicopters to carry UMOPAR units to suspected laboratory sites and DEA aircraft to monitor and coordinate activities on the ground.³⁰

Operation Snowcap was terminated in 1995. In Bolivia, the DEA reportedly transferred its suppression activities to La Paz and began to focus on intelligence, joint investigations with Bolivian anti-narcotics forces and training rather than involvement in paramilitary-style operations with the UMOPAR. The change reflects Clinton administration policy of targeting major trafficking organizations and drug kingpins, coupled with reductions in the U.S. narcotics budget and the view that the Bolivians have progressed sufficiently to take charge on their own.³¹

DEA investigations in collaboration with the FELCN often involves on the job training. In March 1996, the DEA, the Bolivian Chemical Police (OCIAQ) and an inspector from the National Chemical Directorate conducted three chemical audits in Santa Cruz. As part of the investigation, the Chemical Police received training in DEA techniques, the Bolivians and DEA gathered intelligence on the methods of operation of Bolivian chemical importers and a tri-agency task force of the DEA, OCIAQ and the national chemical directorate was established (for additional information, see Annex II on interdicting precursor chemicals).³²

Intelligence sharing and the relationship between the DEA and the FELCN became a major issue in September 1995. A major scandal rocked Bolivia after it was learned that the DEA had intelligence about a consignment of cocaine that was seized from a Bolivian aircraft in Lima on September 14, 1995, but had failed to share fully that information with the FELCN (the *Narcoavión* scandal is described in greater detail in Annex III). While the U.S. government considers the capture of more than four metric tons of cocaine on the plane one of its major accomplishments, the DEA's failure to share information -- and to intercept the plane before it left the La Paz airport -- caused public indignation and provoked a major debate about the role of the DEA. The government was forced to order a major reorganization of the FELCN, and the Bolivian Congress initiated an investigation.

The debate confirmed that Bolivians resent the overweening attitude of the U.S. Embassy and regard the DEA presence in their country as intrusive. Writing in the La Paz daily newspaper, *La Razón*, Carlos D. Mesa Gisbert, a leading journalist and television commentator, summed up what is viewed as the problem of Bolivian subservience:

DEA agents do not trust the FELCN [the Special Force for the Fight Against Narcotics Trafficking] agents or Bolivian politicians. They do not believe Bolivia can rise to the challenge and, to put it bluntly, they look down their noses at us. They are convinced Bolivia is a corrupt and inefficient country, so their behavior towards Bolivians is commensurate. Besides, mistrusting Bolivian authorities, they also choose them, boss them around, and tell them how their duties should be discharged. If the U.S. Embassy gives a government minister the thumbs down the latter must leave, as must the FELCN commander and his subordinates. Let us stop beating about the bush and admit it. The President of the Republic is aware of it and so is

everybody else. Drug enforcement is dependent on the DEA and its decisions. DEA agents despise us...and their behavior towards Bolivians is consistent with this viewpoint.³³

The problem was not new. For years, Bolivians across the political spectrum have objected to U.S. officials calling the shots in the drug war. More often than not, it is the DEA that plans operations, coordinates and leads drug raids and monopolizes intelligence. U.S. officials claim that it must wait to pass on sensitive intelligence until just before an operation is to take place, in order to ensure that such actions are not compromised through tip-offs to traffickers.

Concerns over Bolivian sovereignty have been echoed by high-ranking military officials. Allegations of abuse against navy personnel during the Santa Ana operation in June 1991 -- in which more than 600 anti-drug police, DEA agents and forces from the U.S. Coast Guard and Border Patrol participated in an operation to take control of a town central to drug trafficking operations -- prompted the commander-in-chief of the armed forces, General Jorge Moreira, to call for the expulsion of DEA agents from the country.³⁴ Moreira said the DEA had contravened the 1987 agreement between the two countries which allowed the DEA to provide intelligence, planning and assessment, but not actively participate in anti-drug raids. Government officials admitted that DEA agents not only accompanied operations but took an active role in them, often giving orders.³⁵

A year later the Bolivian government decided that the time had come to set parameters for the DEA. On August 2, 1992, President Jaime Paz Zamora issued Supreme Decree No. 23239 which regulated the status of "foreign agents" in Bolivia. While not mentioned by name, the decree was clearly directed at the DEA. It confirmed their position as advisers (Article 2); stipulated that all information acquired during the course of an investigation had to be shared with Bolivian authorities (Article 7); forbade them to get involved in armed confrontations and arrests (Article 10); and stipulated that they obey Bolivian laws (Article 13).³⁶

Since 1993 the Human Rights Commission of the Chamber of Deputies has investigated two cases involving misconduct by the FELCN, Bolivian Special Drug Prosecutors and the DEA. The Commission presented its findings on March 19, 1996, and they were subsequently published in July. The results of its investigation point to several DEA violations of Bolivian law, as well as possible human rights violations. The Congressional commission called for sanctions against the DEA agents implicated in both cases and asked the Foreign Ministry take up the matter with the U.S. Embassy in La Paz. The cases involving Bolivian officials were sent to the District of La Paz Superior Court for action.

The first case was that of Jesús Hernando Gutiérrez Mancilla who, along with 17 others, was illegally detained in October 1993 and interrogated by the FELCN in various safe houses in Santa Cruz. The Commission found that the DEA had directly participated in the questioning. During the investigation it was learned that a member of the Red Devils Task Force had rented one of the safe

houses used in the Gutiérrez case to the FELCN. The Commission also learned that the U.S. Embassy owed rent on an aircraft hangar used by the Red Devils in Santa Cruz and that the owner of the hangar was none other than Gutiérrez.³⁷ The second case concerned a Bolivian citizen Carlos Roberto Cuéllar Bravo who was kidnaped in Corumba, Brazil on February 23, 1994 by FELCN agents, assisted by DEA agents and Brazilian police. Cuéllar was taken to Puerto Suárez and flown to Santa Cruz where he was detained in a safe house and allegedly tortured.³⁸

While the evidence implicating the DEA is far from conclusive, the DEA has not facilitated investigations or responded to requests for information as to its internal monitoring procedures. On January 8, 1996, WOLA and Human Rights Watch sent a letter to DEA Administrator Thomas C. Constantine requesting a meeting to "discuss the internal procedures used to investigate and discipline instances of abuse by DEA agents." We also requested to "be appraised of the DEA's policies with respect to reporting on and curbing abuses by local antinarcotics forces." That concern stemmed from statements made by a senior to DEA official in Bolivia to Human Rights Watch, as reported in its July 1995 report. In response to a question about abusive interrogations by the Bolivian police, the official responded that "the Bolivians have their own way of doing business...it is not our job to interfere."³⁹ Despite persistent follow-up requests, we were neither granted an interview with a representative of the DEA or provided with any information related to our request. This lack of transparency and accountability fuels allegations, be they well-founded or not, of DEA complicity or tolerance of human rights abuses in Bolivia.

2. The U.S. Military

The U.S. Southern Command (SOUTHCOM) has continued to provide support for counternarcotics operations in the region since the end of Operation Blast Furnace in 1986, with special attention to the Andean countries of Bolivia, Colombia and Peru. U.S. Special Forces (Green Berets), based in Panama, were first brought into Bolivia in 1987 and 1988 to give paramilitary training to UMOPAR. Mobile training teams conducted five week intensive courses in small unit tactics, map reading, jungle survival and communications. By 1988 the U.S. was running six courses a year involving 60 to 80 UMOPAR each.⁴⁰ This year, SOUTHCOM is planning six training deployments to Bolivia, which will utilize a total of 63 U.S. military personnel.⁴¹

In 1989, SOUTHCOM formed the first Tactical Analysis Teams (TATs), combining personnel from the different branches of the armed forces, with the stated intention of improving intelligence support for counterdrug operations. The first TATs operated in Peru and Bolivia, and there are now 14 teams operating throughout the region. The official functions of the TATs are to:

- * Analyze intelligence to determine drug trafficking trends;
- * Identify drug trafficking organizations;

- * Identify counterdrug targets such as laboratories;
- * Support tactical operations;
- * Provide imagery support for counterdrug ground operations; and
- * Provide target identification and location for counterdrug air operations.⁴²

In addition to the ongoing work of the training teams and the TATs, SOUTHCOM participates in direct operations. In the last two years alone SOUTHCOM has supported: Operation New Dawn in the Chapare in 1994; Operation Green Clover in Peru and Colombia in the autumn of 1995; and Operation Laser Strike, a multi-country operation which took place in Bolivia in June and July 1996.

SOUTHCOM launched Operation Laser Strike in the summer of last year. The operation was based on Green Clover, an air interdiction operation which U.S. officials claim resulted in a 50 percent reduction in the price of cocaine base in Peru. AWACS from Howard Air Force Base, Panama, were used to monitor flights by drug traffickers. Operation Laser Strike took place June 27-29, 1996 in Peru. U.S. forces based in Iquitos carried out operations in the Peruvian Amazon.

Between July 1 and 6, 1996, Laser Strike provided logistical support for Bolivian counternarcotics forces engaged in Operation Hurricane in the Chapare. Using U.S. radar to pinpoint coca seed plantations, maceration pits and cocaine laboratories, Operation Hurricane targeted the production and transportation of drugs by trafficking organizations operating in the Chapare. According to officials, it resulted in the seizure of 26,250 pounds of coca leaf, 600 kgs of cocaine, several hundred liters and kilos of chemicals, over 37,000 liters of diesel fuel, 386 laboratories and 599 maceration pits.⁴³

Operations such as Laser Strike are often accompanied by civic action programs that emulate the pacification programs that U.S. forces carried out in Viet Nam. Civic action programs tend to target rural areas that are in most need of roads, schools, medical, dental and veterinary services. Such programs serve a political, social and military purpose. Designed to win the "hearts and minds" of the local population, the programs also provide strategic training for the U.S. forces involved and provide opportunities for strengthening relations and influence with local forces. Between 1989 and 1993, the United States carried out numerous civic action operations in Bolivia, but public pressure in 1993 forced the suspension of the program. In 1995, at the invitation of President Sánchez de Lozada, U.S. troops returned to Bolivia to participate in civic action programs in Villamontes in the department of Tarija.⁴⁴

3. The U.S. Coast Guard

A riverine interdiction program began to take shape in Bolivia in 1986 with the assistance of the DEA, the U.S. Military Group in La Paz and the Narcotics Assistance Unit (NAU, later renamed NAS) of the U.S. Embassy in Bolivia. In August 1986, the Commander of the Bolivian Navy agreed to assist in setting up a riverine program by providing personnel, intelligence and two permanent bases: one at the Riberalta Naval Station to control the River Beni and another one at Trinidad on the River Mamore. The Commander also agreed to provide two self propelled barges to serve as mobile marine bases supporting two patrols made up of two boats each.⁴⁵

The job of training the Bolivian Navy was given to the U.S. Coast Guard which is the principal maritime law enforcement agency in the United States charged with enforcing federal laws on U.S. waterways and to a certain degree in international waters. The U.S. Coast Guard is a uniformed and armed force about 42,000 strong which was founded in 1790 as the Revenue Cutter Service to combat smuggling. Best known for search and rescue, the Coast Guard is primarily engaged in drug interdiction on U.S. rivers and along its coasts.⁴⁶

Since the mid-1980s the Coast Guard has become involved in riverine training programs worldwide. In the autumn of 1987 it established a Maritime Law Enforcement School at the U.S. Coast Guard Reserve Training Center in Virginia.⁴⁷ It also set up training programs focusing on marine safety law enforcement and drug interdiction. The major components of the U.S. Coast Guard's present anti-drug efforts include the:

- (1) Drug Interdiction Assist Team (DIAT) which carries out training;
- (2) Waterways Law Enforcement (WLE), a U.S. government program to disrupt cocaine at the source; and
- (3) Marine Safety Training and Assist Team (MSTAT) which was set up in 1993 and specializes in marine safety law enforcement.

The latter program includes a port safety and a security program that in Bolivia involves control over the flow of precursor chemicals.⁴⁸

The Coast Guard focuses its international anti-drug efforts in two areas: training and combined operations. In 1987, U.S. Coast Guard trainers arrived in Bolivia to begin training 75 Bolivian navy personnel.⁴⁹ Known as the Blue Devils, these navy units were assigned to the FELCN as a riverine task force supporting counternarcotics operations in the Beni and the Bolivian Amazon. They later began operating in the Chapare out of Puerto Villarroel.

The Coast Guard set up a Waterways Law Enforcement school staffed by trainers from the DIAT and MSTAT programs. DIAT trainers were in Bolivia in 1991, and an International Maritime Law Enforcement Training Team (IMLETT) went there in 1992. Both the DIAT and IMLETT

programs were funded by the DEA. Long-term training teams rotate on a 90 day basis and have expertise in all facets of U.S. law enforcement and some support skills such as boat handling, engine repair and maintenance and logistic support. The objective of these four-man teams is to train local forces to become self-sufficient in law enforcement and logistics.⁵⁰ During 1996, the Coast Guard continued to provide long-term training to Bolivian agencies.

By 1991, six U.S. Coast personnel were assigned permanently to the U.S. Embassy in La Paz as part of the Snowcap team. In 1995, there was a continuous three to five person team in Bolivia working at the Waterways Law Enforcement School. Throughout its time in Bolivia, the Coast Guard has participated in counternarcotics operations such as Operation Ghost Zone, an air to ground operation that targeted drug trafficking in the Chapare in 1992. The U.S. Coast Guard program in Bolivia ended officially on September 30, 1996, praised by U.S. officials as a success story.

4. U.S. Border Patrol and U.S. Customs Service

A number of other agencies participate in antinarcotics activities in Bolivia, including the U.S. Border Patrol and Customs Service. The U.S. Border Patrol took part in Operation Snowcap in Bolivia. In 1994 they participated in an operation with 16 Snowcap personnel and UMOPAR units in interdiction operations against drug traffickers in the Beni and the Chapare. Operating from UMOPAR bases in Chimore and Trinidad, the Border Patrol advised and assisted UMOPAR in planning and carrying out ground, air and river operations.⁵¹

Since the Bolivian Armed Forces are responsible for guarding the borders, Bolivia does not participate in international drug interdiction programs run by the U.S. Customs Service, which works with civilian agencies. Bolivia, however, has participated in the Carrier Initiative Program under which the U.S. Customs Service train managers and employees of commercial transportation companies in narcotics security. The program started in 1990 and like other U.S. Customs programs is funded and approved by the U.S. Department of State.⁵²

5. The International Criminal Investigations Training Assistance Program (ICITAP)

In addition to the training programs described above, the United States is involved in training programs for the Bolivian National Police (BNP) and its plain clothes criminal investigations department, the Technical Judicial Police (PTJ), with the aim of improving the techniques and systems used by the BNP and the PTJ. These police training programs are approved and managed by the U.S. Department of Justice's International Criminal Investigations Training Assistance Program (ICITAP), which has been working in Bolivia since 1990 and recently had its contract renewed for another two years. ICITAP has also moved its offices into the U.S. Embassy and has been accorded agency status. As an agency, it has joined the Country Team and will now participate in decision making within the Embassy.

The very serious problem of police abuse became the center of national attention on January 25, 1997 when Dr. Waldo Albarracín, a human rights lawyer and director of the *Asamblea Permanente de Derechos Humanos* (Permanent Assembly for Human Rights), Bolivia's leading human rights group, was picked up and detained by Bolivian police, who tortured him for over three hours. The images of Dr. Albarracín's badly bruised body were the last straw for the head of the Bolivian National Police (BNP), General Willy Arriaza Monje, who was under fire for a number of reasons and was promptly removed from office. The Bolivian government has pledged an investigation into the incident.

Diverse actors, from international human rights groups to the U.S. Embassy in La Paz, agree that the training provided to the Bolivian police, be they from the regular or antinarcotics forces, is of poor quality. The police commit widespread abuses in the context of routine and counternarcotics operations and in crowd control efforts. Officials at the U.S. Embassy in La Paz point to the need for police rotation, a standardized curriculum and an overhaul of training at the *Garras de Valor* International Anti-Narcotics Training Center, described below. The United States also wants to introduce crowd control as part of basic training for all police and in particular for the UMOPAR.⁵³

ICITAP is to assist with much of that training. ICITAP has requested a budget of \$1 million for its Bolivia program in fiscal year 1997. Of that, \$40,000 will be dedicated to training BNP administrative staff in computerized accounting using software purchased by ICITAP. ICITAP has also sponsored the new PTJ Criminal Investigative manual which emphasizes high professional standards and investigative techniques meant to obviate the need for coercion as a means to extract confessions. The PTJ is being told to "investigate, then arrest" -- a slogan used in promoting the manual when presented to Bolivian police forces.

ICITAP is also involved in training programs for the BNP and PTJ that involve evidence handling, witness interviewing and report writing; fingerprinting and classification using the universally accepted "Henry System" which will give the PTJ the ability to cooperate with Interpol and other governments; and training with the Police Information System known as "Inspector" which will eventually link the PTJ to the National Secretariat of Prisons and the Criminal Courts Case Tracking System.

On September 11, 1996, ICITAP was invited by the Director General of the FELCN to assist the DEA and NAS in preparing regulations for incorporation into the statutes governing the FELCN and its UMOPAR task force. These regulations will establish sanctions for any human rights violations by UMOPAR personnel, and will make a public statement of holding all members of the force to this standard. ICITAP has also been asked to provide Human Dignity training for FELCN and UMOPAR forces, and is working to have this training included in the *Garras de Valor* curriculum.⁵⁴

B. Bolivian Actors

1. *La Fuerza Especial de Lucha Contra El Narcotráfico (FELCN)*

The FELCN is Bolivia's main counternarcotics force. Established on July 24, 1987, its 1,200 personnel are drawn from the BNP and members of the Armed Forces. Until March 1996, the commander of the FELCN was always a retired senior military officer, but that post has been replaced by the office of the Director General. The first non-military Director General of the FELCN was Colonel Tomás Asturizaga Rodas, a police officer and lawyer, who was Director of the PTJ until his appointment as Deputy Commander of the FELCN on September 24, 1995 and then interim Director on November 7, 1995. His appointment as Director General was confirmed on March 7, 1996.⁵⁵ In the wake of the shake-up following the detention and torture of Dr. Waldo Albarracín described above, Col. Asturizaga was promoted to the rank of general and was named head of the BNP.

The FELCN operates in all nine departments of the country: Beni, Chuquisaca, Cochabamba, La Paz, Oruro, Pando, Potosí, Santa Cruz and Tarija. It also exercises operational control over Bolivian National Police units that participate in the anti-drug program. These units operate primarily in the main cities, airports and key border points of Bolivia.

On March 6, 1996, President Sánchez de Lozada approved the restructuring of the FELCN. The decision to restructure was made in the wake of the *Narcoavión* scandal in September 1995, described above. Most significantly, a civilian can now head organization. However, its mandate remains the same: to fight drug trafficking, control coca production and precursors; to investigate suspected traffickers under the supervision of special drug prosecutors; and to seize and inventory assets taken from drug traffickers.⁵⁶

The FELCN's governing statute has 10 chapters and 47 articles. Organized along military lines, the FELCN has seven departments: Personnel (I), Intelligence (II) with counterintelligence and psychological operations divisions; Operations (III), Logistics (IV), Legal Department (V), Administration (VI), Public Relations (VII), four Task Forces and five Special Investigations Units.⁵⁷

The Bolivian Armed Forces assign their own personnel to three of the task forces. These units report direct to their military commands even though they remain at the disposal of the Director General of the FELCN. On the other hand, UMOPAR units take their orders from a national commander who reports to the Director General of the FELCN. The UMOPAR is the most significant of the task forces and is described in a separate section below.

Military Task Forces of the FELCN ⁵⁸

The Red Devil Task Force: Bolivian Air Force helicopters and pilots that support UMOPAR in counternarcotics operations. Cochabamba serves as its operations and maintenance base; other units are based at Chimore, Trinidad and Santa Cruz. The task force is equipped with US-owned UH-1H helicopters. The U.S. NAS pays all costs for aviation fuel and maintenance. U.S. funding slated for the Red Devils Task Force for fiscal year 1997 totals \$2.2 million.

The Blue Devil Task Force: Bolivian Navy units that conduct counternarcotics operations on Bolivia's rivers. The Blue Devils carry out regular Coast Guard duties patrolling Bolivia's rivers, but with the emphasis on counternarcotics. Units are based at Trinidad, Riberalta, Guayaramerin and Puerto Villarroel. The NAS pays the cost of fuel and maintenance costs and funding for fiscal year 1997 is expected to be \$1 million.

As of September 30, 1996, the Blue Devils have the authority to arrest suspects.⁵⁹ Bolivian constitutional scholars point out that this conflicts with the Bolivian constitution which separates military and police functions, denying the former any law enforcement role. For U.S. and Bolivian officials, however, the problem appears to be mere semantics. In an unclassified cable sent to Washington from the U.S. Embassy in La Paz laying out the terms of the August 1996 Letters of Agreement between the two governments, U.S. officials note that an agreement was reached to leave out the reference to the change in policy on September 30, because they reasoned that "the same ends could be achieved by using the substitute language without provoking unnecessary debate." The agreement now reads: "Improve the efficacy of the Blue Devil Task Force by approving manuals and procedures which permit them to exercise law," which appears to be a convoluted way of allowing for military personnel to arrest civilians.⁶⁰

The Green Devil Task Force: Bolivian Army unit that provides logistical support for UMOPAR and the Ecological Police during counternarcotics operations using vehicles supplied by the U.S. government. The involvement of this armed forces unit provokes constant controversy in Bolivia, because of the historic role of the army in Bolivia in initiating military coups and in repression of peasant and other grassroots organizations. In fiscal year 1997 the U.S. government is expected to provide per diem costs for Green Devil Task Force personnel up to a maximum of \$50,000.

In December 1996, WOLA received disturbing reports that Bolivian conscript soldiers are now participating directly in eradication efforts. According to Cathy Breen, member of the Andean Information Network, in the Villa 14 de Septiembre area of the Chapare, soldiers were forced to carry out crop eradication. She reports:

In the operations of November 22nd that occurred in the area, soldiers -- "conscripts" -- were employed by UMOPAR to destroy the coca, and tree

trunks were used as paddles to hit them as they tired of the task in the hot sun. Some of the women we spoke with said that they were considering refusing to let their sons enter the armed forces because of the atrocities they had witnessed. A woman told us that one of the young soldiers was even forced to eradicate his own father's coca.⁶¹

Specialized Support Units

The Special Intelligence and Operations Group (GIOE), formerly the Joint Narcotics Information Fusion Center (JNIFC), is a combined intelligence-operations unit which works primarily in the major urban areas of Bolivia, supporting joint FELCN-DEA investigations.⁶² The U.S. government will provide it with \$550,000 in fiscal year 1997.

There are two elite FELCN units that go by the names **Alpha** and **Beta** that are used for intelligence and special operations, such as carrying out arrests of drug kingpins or their associates. As reported by the press, the lawyer for top Bolivian trafficker Jorge Roca Suárez was arrested by the **Alpha** group in Santa Cruz in July 1991.⁶³ The **Beta** group has an office in the FELCN headquarters in La Paz. Police belonging to these special units wear black ski wear masks to hide their identity from the people they are arresting.

The Chemical Investigations Group (GISUQ), formerly the Chemical Actions Investigations Control Office (OCIAQ), investigates violations of Bolivia's laws against trafficking in controlled substances and precursor chemicals. The unit underwent expansion in 1995 and now has offices in Oruro, Cochabamba and Santa Cruz, which are key chemical-trafficking regions.⁶⁴ The GISUQ is highly trained and works closely with the DEA and is slated to receive \$200,000 from the U.S. government in fiscal year 1997.

The Financial Investigation Unit (UIF) has been set up, but until Bolivia passes a money laundering law this unit is not very active. When it has the legal tools to investigate money laundering it will be integrated into an international network of specialized anti-money laundering organizations known as Financial Intelligence Units (FIUs).⁶⁵ Thus far there are about 24 FIUs in existence internationally. It will receive an estimated \$45,000 from the U.S. government this year.

The Special Communications Force (GEC) is a support unit for operations involved in intelligence gathering. The U.S. government anticipates providing it with \$400,000 in fiscal year 1997.

The Drug Detection Canine Program (CACDD) provides specially trained dogs at all major airports and at key points on Bolivia roads. The NAS pays the veterinary costs of this unit which is expected to total \$200,000 in fiscal year 1997.⁶⁶

U.S. Leverage

All of the above task forces receive significant U.S. assistance and training. In addition, the UMOPAR is to receive \$2.03 million this year. As noted, the funding is provided through the NAS of the U.S. Embassy in La Paz. In addition to the sums mentioned above, for fiscal year 1997 the U.S. has allocated \$175,000 for the office of the Director General and \$670,000 for Bolivian National Police units that participate in the national anti-drug program. According to FELCN officials, it has no budget for informants so they are paid by the DEA. The U.S. pays for training, specialized equipment, aviation and boat fuel for the task forces, office supplies and per diem expenses for travel and official duties and salary supplements.⁶⁷

Salary supplements are paid directly to officials in the FELCN. They are also paid to UMOPAR, Armed Forces personnel attached to the task forces, students attending courses at *Garras de Valor* and special drug prosecutors. Potential recipients must be approved in advance by the NAS Director. Bolivians complain that this gives the Embassy undue leverage and accuse the U.S. embassy of buying the loyalty of those who receive the bonuses.

Since the U.S. supports the FELCN, its Director General and the NAS Director constantly monitor the performance of personnel and their career paths within the Force. The FELCN also has to provide the NAS with copies of all internal routine and special reports related to its operations and any other special reports that the NAS might request.

Investigative Powers of the FELCN

The FELCN has sweeping powers of investigation which went untouched by the March 1996 reorganization. The law says that the FELCN has 48 hours in which to charge a suspect. Former FELCN Director General Colonel Asturizaga claimed that this restriction is not practical and rarely feasible and calls it the "Achilles heel" of the FELCN. On the other hand, human rights monitors point out that the FELCN has a tendency to investigate suspects after an arrest, rather than before, and that the 48-hour detention period facilitates mistreatment of detainees, who often turn out to be innocent. In a September 1996 interview, Colonel Asturizaga told WOLA that the FELCN will improve its pre-detention investigations.⁶⁸

All prosecutions in drug cases are based on reports prepared by the FELCN which are passed on to special drug prosecutors. As described in greater detail below, the police reports that provide the basis for trial usually reflect little or no investigation, are carelessly prepared and often incomplete. Before an investigation is thoroughly undertaken, most suspects are arbitrarily detained, sequestered in secret locations, and many are subjected to physical and psychological abuse before being coerced into a confession.⁶⁹

The Commission on Human Rights of the Chamber of Deputies has investigated the use of "safe houses" by the FELCN for interrogation and has determined that such houses do exist and are used illegally to detain and interrogate suspects before moving them to the cells of the FELCN where they are charged formally.⁷⁰ As noted above, the U.S. DEA is also implicated in the safe-house scandal. The Commission received 42 complaints about the FELCN during the 1995-1996 legislative session. Seventy percent of those applied to the FELCN in La Paz; 21 percent in Cochabamba, seven percent in Santa Cruz and two percent in Tarija.⁷¹ The Commission investigated two major cases involving the FELCN and both were submitted to the Superior Court of the District of La Paz for further investigation.

2. *Unidades Móviles de Patrullaje Rural (UMOPAR)*

The UMOPAR was created in 1983 as an elite mobile paramilitary force trained to move against major drug trafficking organizations in rural areas of Bolivia. Nicknamed the Leopards, the UMOPAR are recruited from the BNP, dress in camouflage uniforms and carry U.S. M-16 rifles. Their officers and men are supposed to be tough, highly motivated and corruption-resistant, but brutality and corruption have become their trade-marks. Instead of going after big traffickers, UMOPAR has been criticized for focusing its efforts on the impoverished peasants that grow the coca and the "mules" that make up the work force of the drug trade.

Bolivian police, nonetheless, regard service in the UMOPAR as a step up and possibly lucrative as well. Sources close to the police indicate that UMOPAR or FELCN assignments are often bought, costing between \$300 and \$2,000: \$300 to \$500 for non-commissioned officers, \$500 for lieutenants, \$500 for captains, \$1,000 for majors and \$1,500 and \$2,000 for lieutenant colonels and colonels respectively.⁷²

The initial training of UMOPAR was undertaken by U.S. Special Forces (Green Berets) which sent in its first mobile training teams in 1987. The relationship with SOUTHCOM continues, but most of the training and retraining of UMOPAR troops is now conducted by Bolivians at the *Garras de Valor* training school. Between the UMOPAR and the DEA there is a closer relationship which has developed over 13 years of joint work. Generally speaking the DEA are held in high regard by UMOPAR and their professionalism is admired.

The U.S. government pays for uniforms, food and equipment for UMOPAR through the NAS. The NAS also pays salary supplements and, just as it does with the FELCN personnel, monitors professional performance and standards within the force. Bonuses are paid monthly and range between \$50 and \$200 dollars per month.⁷³

The authorized strength of UMOPAR is 650 personnel. UMOPAR units are based at Trinidad in the Beni, the Pando, Santa Cruz, and La Paz, but the bulk are located in the Chapare, where they are most active on a day to day basis. A contingent of about 500 is stationed in the

Chapare: at Chimore, Villa Tunari, Bulo Bulo, Eteramasama and Ivirgarsama. Two-hundred and seventy UMOPAR are stationed at the UMOPAR base in Chimore under the command of Colonel Luis Caballero and his deputy, Major Juan Meleán. Chimore also serves as a base for the recently formed Ecological Police and members of the Red Devil Task Force. The base has a clinic and a detention center for about 50 persons. At the time WOLA visited the base on September 25, 1996, there were 54 men, 36 women and 18 children (including two babies, one a newborn infant 2 weeks old) in the detention center which is built to hold 50 persons in 16 cells. According to Colonel Meleán, NAS pays for their food.⁷⁴

3. The Ecological Police

In May 1995, with U.S. assistance the Bolivian National Police created a 256-person unit called the Ecological Police.⁷⁵ Armed with machetes and dressed in sand colored police uniforms to distinguish them from the UMOPAR, these police work with DIRECO eradicating coca. UMOPAR supply protection and transportation. The U.S. has allocated \$1.2 million for the ecological police in fiscal year 1997, and is asking them to come up with a plan for dealing with ecological damage caused by coca and chemicals in the Chapare. Since its creation, Bolivian human rights groups have questioned the role and strong-arm tactics of the Ecological Police.

At the northern end of the Chapare lies the Isiboro Secure National Park where 3,000 families have settled after being expelled from the mines at the end of the 1970s. They grow between 5,000 and 7,000 hectares of coca, but are not eligible for alternative development because they are living in a national park where agriculture is forbidden.⁷⁶ In 1995 the Isiboro park became the scene of violent clashes involving the UMOPAR and Ecological Police when the police started eradicating coca and coca seedbeds. The police in their first four months of operations eradicated 100,000 square meters of seedbeds and 45 hectares of new coca.⁷⁷ As of September 1996, they claimed to have eradicated 12,000 hectares of seedlings and 800 hectares of new coca.⁷⁸

4. Grupo Especial de Seguridad (GES)

Whereas 20 years ago Bolivian army tanks were called out to deal with crowd control and civil unrest, now it is the Special Security Group, or GES, dressed in drab olive green or green/grey camouflage uniforms that appears armed with tear gas, stun grenades, rubber bullets and truncheons. The GES are a branch of the BNP charged with maintaining public security. Units of the GES are deployed throughout Bolivia, but attain high visibility in La Paz, the capital, and sometimes in the Chapare.

The most recent confrontation between the GES and demonstrators took place in La Paz at the end of September 1996 as the city was besieged by 30,000 peasant marchers protesting the new land reform law. On September 26, the GES stopped marchers from entering the Plaza Murillo and reaching the Presidential Palace and the Bolivian Congress. As the police beat back the crowd using

tear gas and their truncheons, an elderly woman collapsed and died in the crush. At the end of day 18 people had been arrested and several were injured, including a policeman. That night the Minister of Government blamed the violence on troublemakers and marchers who he said were drunk.⁷⁹ Many other observers, however, criticized the provocative and excessive use of force by the police.

In the Chapare GES units from Cochabamba were called out in 1995 to support the UMOPAR during confrontations with coca growers in the Chapare. Human Rights Watch/Americas reported that the GES and UMOPAR were indiscriminate in their use of tear gas which was fired into homes causing widespread distress, especially to children.⁸⁰ Recognizing the legitimacy of such concerns, the U.S. government is emphasizing training in tear gas and crowd control techniques in its 1997 training programs in Bolivia.

5. International Anti-Narcotics Training Center *Garras de Valor*

The *Garras de Valor* International Anti-Narcotics Training Center is operated by the BNP. Located at Chimore in the Chapare, the training school specializes in jungle operations and provides training for Bolivian as well as foreign police engaged in counternarcotics operations. In 1995, *Garras de Valor* initiated a new three month course teaching jungle operations, investigation techniques and evidence handling. Refresher courses are being given to all UMOPAR personnel, which claim that these courses are very helpful and positive.⁸¹

Garras de Valor is funded by the United States and will receive an estimated \$128,000 in fiscal year 1997. The U.S. pays salary supplements to instructors, administrative staff and students destined for anti-drug units. The NAS Director has control over salary supplements and may also withdraw or suspend a salary "if there is reason to believe that the recipient has engaged in violations of human rights, corrupt acts, unethical behavior [or] unprofessional conduct."⁸²

At the request of the U.S. government, *Garras de Valor* will redesign its training program to emphasize:

- * law enforcement training over paramilitary training with particular emphasis on the development of sound investigative techniques, search and arrest procedures and report writing;
- * human rights training, especially for those destined for the FELCN or any of its subordinate units, which include the UMOPAR;
- * training in crowd and riot control techniques in order to minimize violence and personal injury.

The U.S. has also asked the Bolivians to draw up a program for the full retraining of UMOPAR personnel by December 31, 1997.⁸³

6. The Bolivian Armed Forces

The Bolivian Constitution explicitly prohibits the military from playing a domestic law enforcement role. However, the Air Force, Navy and Army provide support for drug interdiction through the three task forces described above: the Red Devils, the Blue Devils and the Green Devils.

The Bolivian armed forces have a long history of involvement in politics, but initially commanders of the armed forces resisted becoming directly involved in counternarcotics operations. The controversy which surrounded the Garcia Mea dictatorship and the alleged involvement of several high ranking officers in drug trafficking cast a shadow over the armed forces. Faced with adverse domestic and international opinion, the armed forces not only withdrew from the political arena, but any involvement in suppressing the drug trade. In 1989, when the Bush administration proposed involving the Bolivian military in drug enforcement operations, the high command made its reticence clear.

Under U.S. pressure and seeking a role and mission for its forces, the Bolivian armed forces have slowly become engaged in the drug war and are now active participants. The controversy surrounding their participation, however, remains. Bolivians across the political spectrum fear that this involvement will strengthen the hand of the army in particular, at the expense of civilian authorities. In a country that has suffered more than 190 coups since 1825, such concerns should not go unheeded. Other concerns center on the past human rights record of the Bolivian armed forces and fears that the drug war could once again bring troops into direct conflict with local communities. As the Bolivian military has expanded its role into the counternarcotics realm, it is also arguing for an enhanced role in furthering education, health care, sanitation and literacy within the country. While the U.S. Embassy regards these as legitimate concerns driven by the correct motives,⁸⁴ many Bolivians continue to insist that the role of its armed forces should be reduced, not further enhanced.

In March 1996, the Army inaugurated a new training base in the Chapare using an existing agricultural research facility at Santa Rosa. The main *Centra de Instrucción de Operaciones de la Selva* (CIOS) is located at Riberalta in the Beni and at a nearby camp Bolivian troops are trained in special operations in jungle conditions. The opening of the new CIOS base in the Chapare has generated a great deal of concern about the perceived "militarization" of the Chapare.

Bolivian officials claim that reports of "subversive" incidents which followed unrest in 1995 prompted the government to establish a military presence in the Chapare. Allegedly, armed groups in the area threaten state security. However, repeated requests by WOLA and other organizations

that evidence of such activity be provided publicly have met with no reply. Local human rights monitors fear that, on the contrary, it is the army presence that is likely to provoke violent confrontations with local residents. These fears have been fueled by recent reports of soldiers participating directly in eradication operations.

IV. THE COSTS AND CONSEQUENCES OF THE DRUG WAR

Perhaps nowhere is the negative impact of U.S. international drug policy clearer than in Bolivia. With no significant guerrilla groups operating in the country, there is no murky line between counterinsurgency and counternarcotics activities to blur the picture. In other words, human rights violations that result from antinarcotics operations are just that. While the abuses that occur pale in comparison to the killings and disappearances of some of Bolivia's military dictatorships, a disturbing pattern of detentions, mistreatment and abuse of the local population prevails in the Chapare. Moreover, social unrest and conflict in the Chapare coca-growing region has clearly increased as the U.S. government has stepped up pressure on the Bolivian government to meet U.S. antinarcotics objectives.

Following the violent confrontations of 1995 described above, both the Bolivian and U.S. governments initiated a number of positive reforms which -- if fully implemented -- could lead to human rights improvements. They represent a clear recognition on the part of the U.S. government -- which in the past has consistently downplayed the negative impact of its antinarcotics efforts in Bolivia -- of the need for greater attention to human rights concerns. However, the task ahead is formidable, as events in early 1997 make painfully clear.⁸⁵

A. Human Rights Concerns

In 1995 Bolivia once again gained the attention of international human rights groups. The wave of violence unleashed in the Chapare that year left at least seven dead, scores wounded and hundreds arrested. Careless and indiscriminate use of force against those opposing coca eradication policies became disturbingly frequent and provoked a national outcry when a six-month old baby died from exposure to tear gas, which was fired directly into people's homes. Also in 1995, a thirteen year old girl died, after being shot in the stomach by a bullet during a riot in the town of Shinahota.

The events of 1995 startled the Bolivian government as well, and efforts were made by many involved to reduce tensions in 1996. While 1996 was not characterized by the same level of violent confrontation, tensions remain high and human rights abuses continue. A number of factors contributed to reduced violence. With elections looming on the horizon, the Bolivian government is taking greater care to avoid confrontations. Likewise, coca grower unions spent much of the year promoting reforms to an agrarian law and then participated in a major march on La Paz. Finally, according to the Cochabamba-based Andean Information Network (AIN), an "atmosphere of

intimidation and fear that is palpable only when one visits the area" has greatly reduced visible signs of local opposition. AIN reports that threats of detentions of coca grower leaders continue -- and these threats have been followed through with often enough in the past to serve as an effective deterrent to opposition political activities.⁸⁶

While there were fewer violent confrontations between coca growers and antinarcotics forces in 1996, human rights abuses remain pervasive in the Chapare. As noted in a February 15, 1996 letter to then-U.S. Secretary of State Warren Christopher from 29 U.S.-based non-governmental organizations:

For years, the antinarcotics police -- trained and funded with U.S. assistance -- has run roughshod over the local population, carrying out arbitrary searches and arrests, stealing the meager possessions encountered, and manhandling and beating individuals during raids and interrogations. Impunity for abuses committed by antinarcotics police is the norm. If investigations are initiated, they are cursory and incomplete; sanctions are rarely imposed.

The Bolivian antinarcotics police routinely detain individuals without sufficient evidence of involvement in a crime and without following legal procedures. Arrests frequently take place without warrants and without a prosecutor present. Chapare residents complain that in carrying out arrests, antinarcotics police barge into their homes and steal their few valuable possessions during searches. Sometimes these arbitrary detentions take place during massive sweeps, when hundreds may be detained at a time. Those detained in this context are typically held several days and released without charges or without being presented before judicial authorities. This practice violates both Bolivia's own laws and international human rights standards of due process. In addition to the routine mistreatment during these detentions, as noted above, credible allegations of torture while in detention have been lodged against the antinarcotics police.

Such detentions are not always indiscriminate, but rather target those organizing opposition activities. Following two investigative missions to Bolivia, Human Rights Watch/Americas concluded that antinarcotics police carried out arrests "intended to suppress peaceful and lawful protest activity; and detention of coca growers' union leaders to secure advantage in negotiations with them over government policy."⁸⁷ In a highly publicized -- and internationally criticized -- case, the UMOPAR arrested David Herrera Tenorio, a leader of the Federation of Coca Producers of the Tropics of Cochabamba (the main federation of coca growers' unions) on September 18, 1995. Arrested on suspicion of participating in a dynamite attack on an UMOPAR truck in July of that year, he was then charged with having a maceration pit on the land of a neighbor. He was ultimately acquitted. The ruling stated that "no material evidence had been collected, that the witnesses' testimony was vague and unsubstantiated, and that two of the key witnesses had been threatened and bribed into testifying against Herrera."⁸⁸

Those detained who remain in jail – and do not have the money to bribe their way out – have most likely remained there for several years, whether guilty or innocent, in overcrowded and appalling conditions. While the changes to the law allowing for post-acquittal release are quite positive, innocent Bolivians may still spend long periods in jail before a case is concluded. Although Law 1008 imposes a three month limit for processing cases, this deadline is routinely ignored as the Bolivian courts have been unable to absorb the sharp increase in criminal proceedings stemming from Law 1008. Poor Bolivians, who cannot afford bribes, suffer most from this system.

Traditionally, prosecutors in Bolivia have had a weak and ineffective role; however, Law 1008 swings the other direction in transferring enormous power to prosecutors (whose salaries are paid by the U.S. government), as well as to the antinarcotics police. Until the reform law was passed, the prosecutor determined whether a case would go to trial and the charges; the controlled substances court had to proceed even if the judge deemed the evidence insufficient. Bolivian human rights lawyers express concern that despite the legal changes, judges may still feel obligated to proceed in most cases. The antinarcotics police, who receive no legal training, not only carry out arrests, but also prepare the legal documents used by prosecutors as evidence of guilt. (Bolivian law prohibits police from playing such a role in non-narcotics offenses.) These often incomplete and misleading documents form the basis for sentencing of up to 25 years and are often based solely on the accused's "confession." Allegations of the use of torture and coercion to obtain confessions are frequent enough to merit serious concern.

While those accused of drug trafficking-related crimes receive harsh treatment, Bolivian officials implicated in abuses are rarely sanctioned. In its most recent report on Bolivia, Human Rights Watch/Americas notes that:

Official investigations into deaths in shooting incidents have been limited in scope, superficial and slipshod. They have relied primarily on statements by commanding police officers, while police and civilians who were eyewitnesses to the deaths have not been questioned. Our review of investigation records shows no serious progress towards obtaining the evidence necessary to ensure accountability.⁸⁹

In its 1996 human rights report, the U.S. State Department points out that "no action is known to have been taken" against any official for the law enforcement-related deaths in the Chapare in 1995. The report goes on to state: "The Government's failure to complete effective investigations and publish the findings within a reasonable time amounts to impunity despite contrary government policies."

B. Official Initiatives to Promote Human Rights

In response to the conflicts in the Chapare in 1995 and increased attention by the international human rights community, the Bolivian and U.S. governments initiated a number of reforms intended to improve the human rights situation. As discussed above, the Bolivian Ministry of Justice presented a reform package, passed by the Bolivian Congress in February 1996, which alters some of the worst aspects of the controlled substances courts. The reforms permit those acquitted to be released during the appeal process and give judges greater authority in determining whether a case will go to trial. The reforms also grant provisional liberty for those who have already served their sentences in full while the appellate review continues, eliminate automatic appeals of narcotics cases, and establish territorial, as opposed to national, jurisdiction for the controlled substances courts. Finally, the reforms allow for provisional liberty for those held longer than 18 months without a sentence by the trial court, and those held for longer than four years without a final sentence. While these reforms are laudatory, numerous elements of the court system still contradict international norms of due process, such as the blanket prohibition on pre-trial bail.

It is also important to note that the Sánchez de Lozada government has undertaken significant reforms of the ordinary justice system in Bolivia. While it is beyond the scope of this report to undertake a complete evaluation of the judicial reform process, one advance that has had an important impact in the Chapare is the development of a nation-wide system of public defenders. According to reports we have received, public defenders handling low-income defendants accused of narcotics-related crimes are playing an important role in preventing mistreatment of detainees and ensuring at least some modicum of legal defense in court. Unfortunately, the public defenders are limited, however, by the lack of basic resources and inadequate staff size.

The Bolivian Ministry of Justice also established an official human rights office in the Chapare to receive and investigate complaints of human rights abuses by antinarcotics forces, pass on viable cases to judicial authorities and educate the antinarcotics forces and general public on human rights. According to AIN:

The office has only three staff, and they are lacking in the necessary financial resources to carry out their work. Additionally, they get no support from UMOPAR (the rural antinarcotics police) or the drug prosecutors to aid their investigations and carry cases through to justice.⁹⁰

AIN reports that in the first nine months of operation, the office received 962 complaints, most of which were related to coca eradication activities. While AIN and others give the office's personnel high marks for their efforts to date, they note that pervasive impunity remains the primary obstacle to its effectiveness. Until other Bolivian authorities carry through with proper investigations and prosecutions, the office will remain no more than a clearing-house for complaints.

The U.S. government took an additional step to confront the problem of impunity by providing name tags for all UMOPAR personnel. Intended to end the anonymity of police agents, the practice is a good one in theory. The reality on the ground, however, remains disappointing. According to Chapare residents, the name tags are black on a dark green background and hence very difficult to read. They are attached with a velcro strip – and easily removed. Finally, each UMOPAR agent is required to pay \$3 per name tag for each of his seven uniforms. Reportedly, few have actually purchased the tags.⁹¹ Further improvements are needed for this measure to have its desired impact.

Finally, the U.S. government is promoting improved human rights training and monitoring among the police forces receiving U.S. support. The U.S.-Bolivian antinarcotics agreement signed in August 1996 contains numerous human rights-related provisions including the incorporation of human rights training for all units, the development of regulations for proper search and arrest procedures and the provision of crowd and riot control training to minimize the violence stemming from confrontations with local coca growers. The agreement also emphasizes "law enforcement over para-military training, placing particular emphasis on the development of sound investigative techniques, search and arrest procedures, report writing and related skills." In addition, it mandates the creation of an office of internal affairs within the FELCN, the main antinarcotics force, to investigate allegations of abuse and corruption.⁹² These steps are encouraging and deserve support; however, close monitoring and evaluation will be needed to determine their effectiveness in practice, as dramatically illustrated by the eruption of conflict in early 1997.

C. Conflict Escalates in 1997

The false calm in the Chapare for much of 1996 took a dramatic turn for the worse in the first months of 1997. The monthly news bulletin, *Cocapress*, reports that a 17 year old boy was killed in January as a result of a brutal beating by members of the UMOPAR. According to the Permanent Assembly for Human Rights and a religious worker from the parish of San Carlos, the police intercepted the boy as he was traveling from the community of Primero de Mayo to San Germán, where his family lives, in the Trópico de Cochabamba region. The police accused him of being a *pisacoca* -- the name used for those who are employed stomping coca leaves in the first step toward making cocaine base -- because his feet were covered with mud. They beat him, and he later died due to the wounds inflicted in the beating.⁹³

Violent confrontations erupted shortly thereafter between coca growers and Bolivian police and army units supporting them. In February, tensions mounted as police (UMOPAR and the Ecological police) and army units stepped up eradication efforts. Local farmers complained that an estimated 500 individuals had not been reimbursed for coca voluntarily eradicated, and of ongoing abuses and the increased presence of law enforcement personnel. The main coca growers' federation announced the reactivation of self-defense committees to resist forced eradication efforts, and many coca leaders went into hiding in the face of the increased police presence. The first major

confrontation occurred February 14, when 34 coca grower leaders were detained in the Eterazama region. Thirty were eventually released. Approximately 15 local residents were also detained in sweeps related to eradication efforts in the region, including two children ages 2 and 5.⁹⁴

Further reports of violent confrontations were received as this report goes to print. According to AIN, on February 24, more than 500 policemen from different units entered the Senda 5 and Senda 6 communities in Ivirgarzama to carry out forced eradication. The confrontation that ensued left dozens arrested (including prominent coca grower leaders) and several people wounded. The Bolivian police allegedly burned bicycles (the main form of transportation in the Chapare), entered people's homes without warrants and without identifying themselves (with their faces covered), stole people's belongings and destroyed legitimate crops in addition to coca plants. In retaliation, local residents attacked the DIRECO office, burning four DIRECO vehicles and computers inside the office. That led to further violence, as the police responded with tear gas and rubber pellets to disburse the crowd. Nine individuals were reportedly detained in connection with the attack on the DIRECO office.

According to AIN, preliminary investigations indicate that at least five people were wounded in the incident and more than one hundred arrested. The local press quoted coca grower leader Luis Cutipa who stated that at least 8 confrontations took place between the peasant self-defense groups and the Bolivian police. He was later arrested by 40 well-armed agents, accompanied by the Bolivian Minister of Social Defense, Victor Hugo Canelas. AIN and WOLA are still trying to confirm the information received about the events in Ivirgarzama. However, one fact is clear: 1997 got off to a very bad start in the Bolivian Chapare, and the events of February portend another violent year as the Bolivian government struggles to meet U.S. antinarcotics objectives.⁹⁵

V. CONCLUSION

The costs of U.S. drug policy in Bolivia are indeed high. U.S.-Bolivian relations revolve around the drug issue -- and the certification process in particular -- leading to consistent tension and periodic confrontations and anti-American sentiment among the Bolivian population. U.S. support has led to the creation and consolidation of a myriad of antinarcotics law enforcement forces and has led to the involvement of all three branches of the Bolivian armed forces in the war on drugs, despite deep-rooted concerns that ceding the Bolivian military a role in maintaining public order undermines civilian authorities struggling to overcome the country's legacy of military rule. Human rights abuses in the Chapare coca growing region remain pervasive, and problems persist in the controlled substances courts, which violate international standards of due process. Impunity for those implicated in human rights violations is the norm.

Yet few advances have been made as a result of the drug war in Bolivia. In 1996 the Bolivian government eradicated more coca than ever before. Yet taking into account new coca

planted, net cultivation decreased by only 312 hectares out of some 48,000 hectares dedicated to coca production, and according to U.S. officials, Bolivia has gained new prominence in the production of refined cocaine. One has to ask whether these meager results are worth the cost.

ANNEX I**U.S. Aid to Bolivia 1981-1997**
(in millions of U.S. Dollars)

	Economic (DA+ESF)	Narcotics Control*	Military (FMF+IMET)	Annual Sum
1981	2.286	0.200	--	2.486
1982	2.100	.200	--	2.300
1983	11.400	1.700	--	13.100
1984	13.020	2.670	0.122	15.812
1985	10.584	1.537	3.360	15.481
1986	32.139	3.875	1.578	37.592
1987	27.999	12.540	1.200	41.739
1988	37.422	15.000	0.400	52.822
1989	36.361	10.000	5.400	51.761
1990	57.634	15.700	47.526	120.860
1991	100.532	15.700	35.899	152.131
1992	127.561	15.700	25.900	169.161
1993	86.958	17.000	19.610	123.568
1994	50.781	16.100	3.406	70.287
1995	42.419	13.000	3.179	58.598
1996	26.622	15.000	.250	41.872
1997**	32.600	50.000	.500	83.100
Bolivia Totals	698.418	205.922	148.33	1052.679

Chart is based on the annual Congressional Presentation Documents.

DA = Development Assistance, FMF = Foreign Military Financing, IMET = International Military Education and Training, ESF = Economic Support Funds

*Narcotics Control is primarily police assistance.

**estimated

ANNEX II

Interdicting Precursor Chemicals

Precursor chemicals are integral to the manufacture of illicit drugs. Essential chemicals include sulfuric acid, potassium permanganate, ammonium hydroxide, ethanol, ether and hydrochloric acid. Because of their volume and weight, chemicals are smuggled overland into Bolivia from Chile, Argentina and Brazil or they enter the country as legal shipments which are diverted to the illicit cocaine industry.

Chemical seizures in Bolivia have risen significantly over the past two years. As of September 10, 1996 the FELCN had seized and burned 277,672.28 kilos of solid chemicals and 307,511.00 liters of liquid chemicals. These figures compare with a total of 194,977.69 kilos/258,850.34 liters in 1995 and 104,266.82 kilos/233,470.00 in 1994.⁹⁶ Closer international cooperation on chemicals, especially between Bolivia and Chile, facilitates the effort. The Chilean police recently dismantled a Chilean corporation that was supplying an estimated 70 to 80 percent of precursor chemicals used for cocaine production in the Chapare.⁹⁷

Bolivia is a party to international conventions governing the control of chemicals. Article 12 of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is the baseline international agreement for bringing diversion of chemicals to the illicit production of drugs under international control. Bolivia is also a member of the Chemical Action Task Force (CATF) which was established by the Group of Seven at their 1990 meeting in Houston. CATF tracks the movement of chemicals used in the manufacture of illicit drugs. Bolivia has a bilateral agreement with the U.S. to facilitate chemical regulation and as a member of the Organization of American States (OAS) is a signatory to the "Model Regulations to Control Precursor Chemicals and Chemical Substances, Machines and Materials."⁹⁸

In 1990 Bolivia established the National Bureau for Registration, Control and Regulation of Controlled Chemicals which has received technical and financial support from the U.S. government and the UN Drug Control Program (UNDCP). The Bureau employs 20 investigators who plan and execute laboratory seizures. The Bureau regulates 44 chemicals and keeps a registry of all companies dealing in regulated chemicals.⁹⁹

ANNEX III

The Narcoavión Scandal

On September 15, 1995, the Peruvian authorities at Jorge Chávez Airport in Lima seized 4.1 tons of cocaine coming from La Paz. The cocaine was hidden in a cargo of furniture that was being shipped to Mexico for distribution in the United States by the Amado Carillo Fuentes organization, which was reported to be responsible for 60 percent of the cocaine entering the United States.¹⁰⁰ The cocaine belonged to Luis Amado Pacheco Abraham, a.k.a. "Barbas Chocas," whose father Alejandro Pacheco Sotomayor is a cousin and former trafficking associate of the notorious Bolivian Colonel, Luis Arce Gómez. The drug seizure resulted in the arrest of 70 people and a major scandal involving the DEA and the FELCN. The scandal also touched the ruling MNR party, but the damage to its image was limited because public outrage was directed at the DEA.

Amado Pacheco has been a drug trafficker since 1982. He was arrested in 1982 and 1992 and each time bribed his way out of detention by paying off police officials: the head of the Narcotics Department in La Paz in 1982 and a police officer belonging to Interpol in La Paz in 1992. In 1993 he began work with the Soza Téllez brothers who were the Bolivian intermediaries for the Carillo Fuentes organization.¹⁰¹

In May 1995 an informant gave the DEA the telephone number of a "possible" drug trafficker, Amado Pacheco. The DEA passed the information to the head of FELCN Intelligence, Colonel Gonzalo Butron Sánchez. According to Colonel Butron, the FELCN were never able to confirm the information because Amado Pacheco ran a very closed organization that proved impossible to penetrate. However, the DEA continued to receive intelligence about Pacheco's organization, which it never shared with the FELCN.¹⁰² (Some reports allege that the DEA knew of the drug trafficking organization as early as 1994.)

On September 14, 1995, the DEA contacted Colonel Butron and asked him to intensify his investigation into Pacheco's organization. The DEA told Butron that a shipment of cocaine, possibly hidden in furniture, was about to leave La Paz, but gave no date or time. The following morning the DEA received a telephone call to say that an airplane loaded with drugs had taken off from the La Paz airport bound for Mexicali. DEA and FELCN officials rushed to the airport, but arrived too late to order the aircraft to turn back. The DEA then contacted Peruvian authorities and asked them to detain and search the aircraft in Lima. The Commander of the FELCN, General Simón Sejas Tardoya, only learned of the incident from the DEA Country Attache during a lunchtime reception.¹⁰³ Colonel Butron was later accused of having known of the operation 48 hours before it was carried out.

On October 10, the government sent the Chamber of Deputies the results of the police investigation. The investigation revealed that:

- (1) The drug traffickers had penetrated the FELCN;
- (2) Airport employees were possibly also on the payroll;
- (3) As a lawyer in Cochabamba, Dr. Sánchez Berzaín, Minister of Government, had at one time represented two of the accused, Luis Dorado Erland and Tonci Mihaic, both associates of Amado Pacheco;
- (4) Dr. Sánchez Berzaín's private secretary, María Jesús Aldunate Montano, had been the girlfriend of Luis Dorado Erland, in the past she had done him various favors and at the time of his arrest he had called her on his mobile telephone to ask her to contact his lawyer;
- (5) One of the traffickers, Alejandro Soza Téllez, had been head of President Sánchez de Lozada's electoral campaign in Santa Cruz in 1989; and
- (6) The President of the Chamber of Deputies and former MNR minister Guillermo Bedregal had sold an apartment in La Paz to Amado Pacheco and under-reported the sale price in order to pay less taxes.

Further revelations plagued the Minister of Government when it was revealed that he had defended Bolivia's leading drug trafficker, Jorge Roca Suárez, in a case involving the seizure of an aircraft loaded with cocaine in Cochabamba in 1985. While some of these revelations had the potential to embarrass the government -- and Dr. Sánchez Berzaín in particular -- it was the actions of the DEA and its influence over the FELCN which gained the attention of the public and the Bolivian Congress.

ENDNOTES

1. DEA Quarterly Report, 1st Quarter: 1.
2. DEA: "Operación Breakthrough: *La Plantación de la coca y la producción de base de cocaína en Bolivia*" Drug Intelligence Report July 1994 in *El Libro Verde: Coca-Cocaína. Erradicación. Desarrollo Alternativo. Informe de Datos* (hereafter Operation Breakthrough): undated.
3. Using basic figures of 2.7 tons (Chapare) and 1.8 tons (Yungas); Alcaloid content in Chapare is 0.72%, in Yungas it is 0.85%; efficiency rate for transforming coca leaf into base is calculated at 45%. To reach figures in the text, the number of hectares is multiplied by 2.7 (Chapare), 1.8 (Yungas), then multiplied by 0.0072 (Chapare), 0.0085 (Yungas) and those results multiplied by 45%. Operation Breakthrough: 15.
4. Cabieses, Hugo. "*Coca y Narcotráfico en Crisis*," *Qué Hacer* July-August 1996: 44.
5. Technically, cocaine is not a narcotic; however, this term has become common discourse in U.S. policy.
6. Painter, James. *Bolivia and Coca*. Boulder: Lynne Reiner, 1994: 79-80.
7. WOLA telephone interview with Kathleen Redgate, International Narcotics and Law Enforcement Bureau (hereafter INL). 14 November 1996.
8. Washington Post 29 October 1993.
9. *Gaceta Oficial de Bolivia, Ley No.1493, Ley de Ministros del Poder Ejecutivo*, 17 September 1993.
10. U.S. Department of State Bureau for International Narcotics and Law Enforcement Affairs. *International Narcotics Control Strategy Report* (hereafter INCSR), Statistical Tables. March 1995.
11. Soza, H. Sergio Medinaceli. "*Las Relaciones con los Estados Unidos de América sobre la Coca Cocaína*." Congressional