

THE TRIAL OF RESPONSIBILITIES

Introduction:

The Association of Relatives of the Disappeared Detainees and Martyrs for National Liberation of Bolivia (ASOFAMD) requested technical assistance from EAAF in cases from the so-called " Trial of Responsibilities". This trial is sought by the Public Ministry, the Bolivian Workers Confederation , ASOFAMD and others, against the former military dictators Gen. Luis Garcia Meza, Gen. Luis Arce Gomez and others.

On July 17, 1980, Gen. Garcia Mesa led a violent coup d'etat against constitutional president of Bolivia Ms.Lidia Gueiler. Massive violations of human rights were committed during the Garcia Mesa dictatorship. He was forced to leave the presidency in August 1981 by his military colleagues.

The Flores Bedregal Case:

The same day of the coup, a National Committee for the defense of Democracy (CONADE) was formed. They met at the Bolivian Workers Confederation (COB) in La Paz to plan resistance to the coup.. Juan Carlos Flores Bedregal, a 28-year-old national deputy and Marcelo Quiroga Santa Cruz , a national socialist deputy , former minister of Minery and Petroleum and presidential candidate for Socialist Party-One were there. According to several witnesses, when the two of them were descending the stairs from the COB they were both shot by a para-military group that attacked the COB.

Their bodies were taken away by the perpetrators. Several days later, the Homicide Division from the police discovered two bodies in a 30 meters deep cliff, at Moon Valley outside of La

Paz. The corpses were found wrapped in Bolivian Army blankets. Joaquin Quisbert , a member of the Homicide Division extracted from the pocket of one of the bodies the identification card of Juan Carlos Flores Bedregal but he kept silent until 1983.

Meanwhile, the bodies were taken to the morgue of the Clinical Hospital from La Paz. Half an hour later, an armed group of three people rushed into the morgue and abducted one of the corpses; allegedly, the one of Quiroga Santa Cruz.

The other body was taken on August 10, 1980 by officials of the morgue and police to the cemetery of Rio Seco. A death certificate was issued, indicating " Gunshot Wound" as the cause of death.

With the information of Bedregal's ID card, on April 14 1983, officials from the police, Ministry of Interior, and lawyers from the State Attorney's Office and the Commission of Disappeared People went to the cemetery of Rio Seco and exhumed the remains of who was thought to be Flores Bedregal. The exhumation was done in a unscientific way and many bones were left behind. The forensic diagnosis stated: the victims died "of cranium- encephalic trauma, produced by a gun shot wound." "...the corpse belonged to a 36-38 years old person, approximate stature 1,80 mts.,... it shows a cleft and absence of bony parts in the right parietal. " With only this information, it was identified as Flores Bedregal's body. His relatives buried the remains at the Central Cemetery of La Paz. But the relatives of Flores Bedregal always had doubts about that identification as it was based on information from former officials from Garcia Meza dictatorship. The assault on the COB, together with another episode -

the Harrington Street massacre- , are the only two human rights crimes of which Garcia Meza, Arce Gomez, Quiroga and former Special Security Services and paramilitary stand accused.

The Role of EAAF:

The Flores Bedregal case is part of the so-called "Trial of Responsibilities".

On February 14, 1992, two members of EAAF, Dario Olmo and Alejandro Inchaurregui, traveled to La Paz, Bolivia. They were nominated as expert witnesses by the Supreme Court of Bolivia, in the " Trial of Responsibilities". They examined the remains which were supposed to belong to Flores Bedregal.

The forensic analysis established that the remains exhumed at the Central Cemetery, were not those of Flores Bedregal. The dental comparison between Bedregal's dental chart and the one of the remains was crucial: while F.B. had only lost 4 superior molars during his life, the exhumed skull was edentulous (the person had lost his teeth at least six months before death). Bedregal's odontologist also examined the remains and reached the same conclusion. In addition, the stature of the remains did not match either the pre-mortem data. EAAF members also did not agree with the interpretation that the skull wound was a gunshot wound.

The same day an EAAF member testified at the Supreme Court, the sister of Flores Bedregal declared how much her entire family had suffered all this years not only because of the killing of her brother but also for the dangerous nightmare they been involved in trying to recover his remains.

The local newspaper headlined the next day: "Garcia Meza dictatorship handed over the wrong body to Flores Bedregal family"

The Trial of Responsibilities : Sentence after seven years

This is the first time in Bolivia history that senior military officers have faced trial for human rights violations. Previous efforts to trial previous dictators failed.

In this case, the defendants are Gen Garcia Meza , his Minister of Interior, Gen Arce Gomez and 49 former officials and para military agents of the Garcia Meza regime. The accusation against them includes not only human rights violation but also, illegal seizure of power , suppression of constitutional rights, and economic crimes such as cocaine traffic, illicit traffic of semi precious stones, , fraud, and theft , including the robbery of the diaries of Ernesto "Che" Guevara.

The origin of the trial of responsibilities started in February 1984 when a committee representing ASOFAMD, the COB the National University was formed and with the support of the Socialist party One and MIR deputies, presented an accusation in Parliament against Garcia Meza and his former associates. But it only started in February 1986 when a new elected congress voted to press charges , issued indictments and transferred the case to the Supreme Court.¹

On April 20, 1993, after seven years, the Supreme Court pronounced sentence. Garcia Meza- fugitive from justice since 1989- was found guilty of 21 crimes and sentenced him to 30 years in prison, with no possibility of a pardon (the maximum for Bolivian law). Arce Gomez- extradited to the US for cocaine traffic- was also sentenced to 30 years. The other defendants were sentenced to turn from 2 to 30 years, with the exception of three of them who were found innocent.

While the sentence was being read, a minute of silence was observed by

¹ America's Watch Newsletter. Bolivia " Almost Nine Years and Still no Verdict in the Trial of Responsibilities", Decemeber 1992

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the entire country. Once the sentence was known, hundreds of people gathered outside the Court House and sang the national anthem, and demonstrations of joy occurred in several cities of the country, a newspaper reported.²

² Newspaper La Jornada de Mexico, 22 de abril de 1993, p. 47