18 Años De Dictadura
VERDAD
REPARACIÓN
JUSTICIA
¿CUÁNTOS
AÑOS MÁS DE
INJUSTICIA E IMPUNIDAD?
SOBREVIVIENTES DE LAS
DICTADURAS
PLAN CONDOR
BARRIENTOS

The usual suspects

Those seeking justice for the survivors and victims of Bolivia's dictatorships are still being stonewalled. Thomas Graham reports.

In an empty café in La Paz, Bolivia's legislative capital, Olga Flores takes out a book of letters dating back to 1980, the year her older brother Juan Carlos Flores disappeared during one of the country's military coups.

When he first went missing, on 17 July 1980, Olga – who is now in her late 60s – assumed that Juan Carlos had been detained by the military. So, she began to write him letters. At first they were routine, filled with little details like winter colds and family news, signed off with a firm 'see you soon'. But as the weeks went on, concern crept in. Finally, in November, Olga heard that Juan Carlos had been killed. On the 29th of the month she wrote: 'While we sang La Internacional at your tribute, I swore to honour your life, to keep fighting to make your ideals a reality.'[1]

Juan Carlos was 27 years old when he disappeared. Prominent in Bolivia's Partido Obrero Revolucionario (Revolutionary Workers' Party), he was also the country's youngest parliamentarian. Juan Carlos' case has become an emblematic one for transitional justice. The family have gone to the Inter-American Court of Human Rights (IACHR) to try and compel the state to acknowledge that his death was part of a forced disappearance. They are calling for more extensive state-led investigation, as well as steps such as declassifying military documents, which could shed further light on what happened to Juan Carlos, and help find his remains.

'I want to make a point,' Olga says. 'I want to show that justice and superior values exist, because that justifies the lives of those like Carlos, and it shows that they have not broken us, that the system has not done away with us.' Something of the young revolutionary flashes behind her glasses. 'We have the hope that, in spite of everything, they are the ones that lose. That's what we want to achieve.'

Collective memory

Bolivia spent most of the years between 1964 and 1982 ruled by a string of military dictatorships which left hundreds of people murdered and disappeared. Thousands more were detained, deported or went into exile. Since the country returned to democracy in 1982, survivors have pushed the state to find the disappeared, open secret archives, and make reparations – with limited success. 'In essence, the country went through a democratic transition without mechanisms for transitional justice,' says Ramiro Orias, a human rights lawyer.

This despite a surprisingly strong start. In 1982, it was the first country in South America to set up a kind of Truth Commission. Then General García Meza, the dictator who ruled Bolivia from 1980 to 1981, was put on trial along with a group of his associates and sentenced to up to 30 years in prison. But that commission never filed a report, and there have been no further sentences. A few families have taken their cases to the IACHR and won reparations, but attempts to set up a system within Bolivia that grants reparations on a larger scale, to all survivors, have been under-resourced and badly managed.

It wasn't until 2016, during the government of Evo Morales, that a second Truth Commission was established. Such commissions, while state-sponsored, are supposed to be independent groups investigating a period in which human rights violations were committed, before finally publishing an official account. 'The main objective is to unravel the silence and the denial, and have the report acknowledge that state agents perpetrated crimes against their own population,' says Francesca Lessa, author of *The Condor Trials*, a book on the repression spearheaded by dictators in South America between 1969 and 1981. ➔

Opposite page top: Former dictators Hugo Banzer Suarez of Bolivia and Augusto Pinochet of Chile raise a salute on 8 February in the border town of Charaña. In 1971 Suarez came to power via a coup that overthrew president Juan José Torres who was later killed as part of Operation Condor.
REUTERS/LUCIO FLORES

Opposite page bottom: A mural on the wall of the camp set up by victims of Bolivia's military dictatorships, opposite the Justice Ministry building in La Paz – photo taken on 13 March 2017.
JAMES BRUNKER NEWS/ALAMY

This was the first time investigators had been allowed into Bolivia's military archives. They found documents in sacks, nesting places for rats and pigeons

The report may include recommendations for institutional reform, or reparations for the victims. But each commission is different, and some go further than others. 'It's like a public inquiry,' says Cath Collins, founder of the Transitional Justice Observatory at the Universidad Diego Portales in Chile. 'Some are set up to keep people quiet, others to actually get to the bottom of things.'

Take two

Bolivia's second Truth Commission faced its own challenges. In the library of the vice-presidency in La Paz, the commission's director Fernando Rodríguez explains that it took almost a year just to find an office, secure greater autonomy from the Ministry of Justice and build a technical team. Then, once they got into the military archives, their deadline was suddenly brought forward. 'That was a slightly strange political decision,' says Rodríguez. We're alone, but he speaks very quietly: 'I think it was because we started to touch delicate things.'

This was the first time investigators had been allowed into Bolivia's military archives. Some were in a state of chaos. They found documents in sacks, nesting places for rats and pigeons. Other parts were better organized, even alphabetized, but with conspicuous gaps corresponding to the surnames of famous victims like Marcelo Quiroga Santa Cruz, the socialist leader disappeared in 1980, and Luís Espinals, the Jesuit priest tortured and killed the same year. 'I'm certain there is more to find there,' says Rodríguez. 'We had four months. To do a thorough job would require four years.'

The commission filled more than 1,000 boxes with documents and in 2019 delivered a final report of 11 volumes to the Ministry of Justice. The trouble is, most people in Bolivia don't know about it. A 200-page summary was made available on the internet, without much fanfare. To see the full report, one has to go to the library of the vice-presidency in person.

'The Ministry of Justice should have put [the full report] online,' says Rodríguez, adding that he is trying to have the documents they compiled declassified. 'They're part of the memory of this country, and a gold mine for any investigator.'

Distant dictators

The path of Bolivia's second Truth Commission reflects that of transitional justice across the continent, where unseen forces push back on the demands of survivors. In part, this is a consequence of which actors remained in politics or retained their influence during the transition to democracy. 'The usual suspects are the armed forces,' says Lessa. 'Clearly, they are pushing back in all of these cases, with different levels of power depending on the country. But the lack of political will from other actors has been equally powerful. Whether because of negotiations during transition or contemporary arrangements, governments have not wanted to upset the armed forces.'

Even with leaders like Dilma Rousseff in Brazil and Pepe Mujica in Uruguay, both of whom were once guerrillas, transitional justice has been hard to come by. Similarly, when the Movimiento al Socialismo came to power in Bolivia in 2006 it didn't mark the breakthrough some had hoped for. Ultimately, says Collins, governments make a calculation in the moment: 'Is there political capital to be made, or is this an issue you'd do better to steer clear of?'

In Bolivia, the importance of political will has only been underlined by the lack of a truly independent judiciary. Orias points out that the justice system did not undergo overhaul and renewal with the transition to democracy: even the Supreme Court remained the same. There have been reforms in the years since, but none radical enough to truly liberate the justice system. 'I think the level of political capture and the lack of independence of the judiciary has deprived it of the initiative to advance a transitional justice agenda,' says Orias. 'It responds to the needs of political power.'

The one constant in Bolivia has been pressure from civil society organizations. But as time goes on, even they will inevitably lose force. In relation to other countries, such as Argentina and Chile, Bolivia had relatively few victims to begin with. Some have passed away, many are old. And for the general public, given the way the country has transformed in the years since, the military dictatorships feel like another time. 'It's been 40 years,' says Orias. 'That's practically two generations that have grown up in democracy and see the legacy of the dictatorships as something distant.'

Family members like Olga will continue to push for answers, but, overall, it is hard to know for sure how transitional justice will advance. Success can have an element of chance, as was seen in Paraguay when a stash of documents spanning three decades of the activities of the secret police was discovered in 1992. In one swoop, the so-called Archive of Terror implicated most of the continent's governments in Operation Condor – the state terror network spanning Paraguay, Chile, Argentina, Uruguay, Bolivia and Brazil that allowed dictatorships to hunt their opponents across borders during the 1970s and 1980s.

Then there are technical changes, such as freedom of information laws or judicial reform, which may not even have been conceived with transitional justice in mind, but end up clearing the way for it.

'Someone's always pushing for justice,' says Collins. 'And sometimes, suddenly, the door gets pulled away from the inside and they fall through it.' ●

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1 Olga's letters are published in a book: *Carta inconclusa a mi hermano Carlos*, Editorial Primigenias, second edition 2009.