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U.S. Judge Orders Case Against Former Bolivian President for Role in 2003 Massacre to Proceed to Trial

Marks First Time in U.S. History a Former Head of State Will Sit Before Accusers in a Civil Human Rights Trial

February 20, 2018, Miami, FL – A federal judge has ruled that the former president of Bolivia and his minister of defense must face trial in the United States in a civil case alleging that the Bolivian military massacred more than 50 of its own citizens during a period of civil unrest in 2003. This is the first time that a former head of state will sit before his accusers in a civil human rights trial in a U.S. court. Last week, the judge rejected the defendants’ final effort to avoid trial, denying a motion filed by the former Bolivian president, Gonzalo Sánchez de Lozada, and his former defense minister, José Carlos Sánchez Berzaín, both of whom live in the United States. The trial will begin in the federal court in Fort Lauderdale on March 5, 2018.

“The former president and his minister of defense must now listen as we testify about what happened,” said Teófilo Baltazar Cerro, a member of the indigenous Aymara community of Bolivia, which led the protests where the government security forces opened fire. “We look forward to this historic opportunity to have our day in court.”

In *Mamani v. Sánchez de Lozada and Sánchez Berzaín*, as detailed in the Court’s February 14 order, the families of eight Bolivians killed filed suit against Sánchez de Lozada and Sánchez Berzaín, alleging that they planned the extrajudicial killings. The lawsuit alleges that, months in advance of the violence, the two defendants devised a plan to kill thousands of civilians, and intentionally used deadly force against political protests in an effort to quash political opposition. In addition to the deaths, more than 400 unarmed civilians were shot and injured.

In 2016, a U.S. appeals court held that the plaintiffs could proceed with their claims under the Torture Victim Protection Act (TVPA), which authorizes suits in U.S. federal court for extrajudicial killings. Sánchez de Lozada and Sánchez Berzaín then sought and were denied a review by the U.S. Supreme Court in 2017. After a review of the evidence gathered by both sides, District Court Judge James Cohn ruled on February 14 that the plaintiffs had presented sufficient evidence to proceed to trial.

“The trial will offer indigenous Aymara people, who have historically been excluded from justice, a chance to testify about events that led to dozens of deaths and hundreds of injuries,” said Beth Stephens, an attorney for the Plaintiffs (cooperating through the Center for Constitutional Rights).

The lawsuit alleges claims by nine plaintiffs including: Etelvina Ramos Mamani, whose eight-year-old daughter Marlene was killed in her mother’s bedroom when a single shot was fired through the window; Teofilo Baltazar Cerro, whose pregnant wife Teodosia was killed after a bullet was fired through the wall of a house; Felicidad Rosa Huanca Quispe, whose 69-year-old father Raul was shot and killed along a roadside; and Gonzalo Mamani Aguilar, whose father Arturo was shot and killed while tending his crops.

The family members are represented by a team of lawyers from the Center for Constitutional Rights, Harvard Law School’s International Human Rights Clinic, and the law firms of Akin, Gump, Strauss, Hauer & Feld, LLP, Schonbrun, Seplow, Harris & Hoffman, LLP, and Akerman LLP. Lawyers from the Center for Law, Justice and Society (Dejusticia) are cooperating attorneys.

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