

The [National Lawyers Guild](#) (NLG) strongly condemns the military coup that took place in Bolivia on November 10, followed by the self-declared presidency of extreme right-wing Bolivian senator Jeanine Áñez, in violation of the Constitution of Bolivia.

There is strong evidence that U.S. elected officials and agencies worked to foment this coup in the Plurinational State of Bolivia against elected President Evo Morales, at the expense of indigenous people, campesinos and social movements of the poor and working class and in violation of the OAS Charter, the UN Charter and international law and resolutions.

The role of the Organization of American States (OAS) is particularly troubling, especially as the OAS leadership is serving as a proxy for U.S. political maneuvers throughout the region, despite the position of many American states in opposition to this intervention.

We also express our strongest solidarity with the people of Bolivia who continue to march, organize and resist despite facing harsh violence and military repression. We emphasize the importance of ending U.S. intervention in Bolivia and throughout Latin America and urge the restoration of legitimate civil government and democracy in Bolivia.

### **The Coup Violates the Constitution of Bolivia**

President Morales' eligibility to run for re-election was established by the Plurinational Constitutional Tribunal, which in 2017 abolished term limits as violating the American Convention on Human Rights. This decision overturned the results of a 2016 referendum which would have prohibited Morales from running.

The Constitutional Tribunal was established by the 2009 Bolivian Constitution. It is the final authority in Bolivia adjudicating the constitutionality of laws, government power, and treaties. There is no argument that the Tribunal's decision was outside its subject matter jurisdiction or otherwise *ultra vires*. Thus, its decision establishing President Morales' eligibility for re-election was final and binding. The coup's perpetrators are unhappy with the result of the court's decision. But the coup plotters rejected the course provided by the Constitution of Bolivia to address their unhappiness, which would be to elect a new President using the democratic process established by the Constitution, who could appoint members of the Tribunal more to their liking.

There is no dispute that the coup perpetrators' candidate, the neoliberal Carlos Mesa, lost the first round to Morales. The only question was the margin of Morales' victory. Instead of joining President Morales' call for new elections, the plotters gained the upper hand in the military and forced Morales out with violence and threats of force. As the second Vice-President of the Senate, Áñez, the self-proclaimed President installed by the coup plotters, was not in the Constitutional line of succession. All the Constitutional successors resigned along with Morales. Restoration of Constitutional authority requires restoration of Morales to the Presidency. Then, the election could be rerun in accordance with the Constitution and domestic and international

law, as already proposed by Morales before the coup, with Morales as a candidate and with more credible and reputable international election observers than the Organization of American States (OAS).

### **No Credible Findings of Election Fraud: Fraud a Pretext for the Coup**

The lead-up to the coup included allegations of electoral fraud against President Morales. Primarily, these allegations centered on the claim that Morales was unable to legitimately achieve a 10% margin above the second-place candidate, Carlos Mesa, thus avoiding a December runoff. Most commonly, an alleged delay in the reporting of results was used to back up these allegations. Of course, by the time the coup was executed in Bolivia, Morales had already agreed to call new elections, despite the lack of any proof or documentation backing up these allegations.

Despite the lack of evidence of election fraud, the OAS issued a statement one day after the October 20 elections warning of an "inexplicable" change in the trend of the vote count. This statement came despite the fact that rural areas in Bolivia have consistently shown slower-reporting results as well as higher support for Morales and the MAS. The OAS issued a "preliminary" report [questioning the outcome](#) of the elections on November 10, shortly before the coup was carried out.

The [Center for Economic and Policy Research \(CEPR\)](#) presented a comprehensive statistical analysis that found not only no evidence of fraud or irregularities but also indicated that the voting and results pattern reflected highly similar patterns from past years, especially in terms of the delay in reporting of rural votes. Further [research by CELAG \(Centro Estratégico Latinoamericano de Geopolítica\)](#) also backed up this analysis and pointed to the insufficient evidence to back up the assertions in the OAS statement.

### **OAS Violates its own Charter and Serves as An Arm of US Foreign Policy**

The role of the OAS leadership in Bolivia echoes its actions in Venezuela, Nicaragua and elsewhere in the region. In Venezuela, the officialdom of the OAS has been an increasingly vociferous proponent of regime change, and its pronouncements have come closely in line with the mandates of U.S. foreign policy. OAS Secretary General Luis Almagro has repeatedly promoted the exclusion of the internationally recognized Venezuelan government from hemispheric and international bodies and supported the imposition of unilateral coercive measures against the country, despite their illegitimacy under international law and their devastating effects on the social and economic rights of the Venezuelan population. These actions by OAS leadership undermine the organization's legitimacy as a representative of American states collectively.

Despite the OAS' stated concern with constitutional order in Bolivia, it failed to condemn or even criticize the military coup or the self-designated presidency of Jeanine Áñez. The OAS has a

long history of anti-communism and was founded at a conference convened by U.S. military officials at the [beginning of the Cold War](#) in 1948. Even with this history, however, the membership of the OAS has not been willing to go along with the plans of its leadership and their U.S. backers, prompting the creation of the Lima Group. Nonetheless, in 2018, the U.S. Agency for International Development (USAID) - which has provided millions of dollars to anti-Morales Bolivian groups over the years - [declared that the OAS](#) "promotes U.S. political and economic interests in the Western Hemisphere by countering the influence of anti-U.S. countries such as Venezuela."

These actions undermine the OAS' own charter, which [claims to support](#) "the peace and security of the continent." The OAS charter declares that "Every State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State." Nevertheless, the OAS has served as an arm of U.S. foreign policy in the region, at the same time that the U.S. has withdrawn from the UN Human Rights Council and has otherwise attempted to undermine multilateral human rights organizations.

### **Violation of the UN Charter and UN Resolutions**

The UN Charter also obliges member countries to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." This provision of the Charter is expanded upon by UN Resolution 2625, the Principles of International Law concerning Friendly Relations and Cooperation Among States, which makes clear that this principle applies not only to military intervention but to other forms of intervention, including unilateral coercive measures such as economic sanctions. A mainstay of generally accepted international law, these [principles emphasize the necessity](#) of "the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security...[and] the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State."

In Bolivia as in Venezuela, Honduras, Cuba, Nicaragua, El Salvador and repeatedly throughout the region, the U.S. government has repeatedly breached and continues to breach its obligations under the UN Charter, the OAS Charter and international law. The cooptation of the OAS to do so does not mitigate the responsibility of the U.S. government for the current destabilization in Bolivia, including ongoing violations of the right to freedom of assembly, freedom of association, freedom of the press and the right to life itself. We also note the dire threat to the economic, social and cultural rights of the plurinational peoples of Bolivia, particularly the rights of indigenous peoples. Under the MAS-led government of Evo Morales, Bolivia [reduced poverty by 42%](#) and extreme poverty by 60%. The fomentation of a military

coup risks the destruction of over a decade of advances that has seen Bolivia [lower its Gini coefficient](#), measuring economic inequality, by 19%.

### **The Coup is Led by Openly Fascist, Anti-Indigenous Groups and Oligarchic Interests**

The racist, anti-indigenous nature of the coup is apparent in the statements of many of the coup's leaders and most widely recognized public figures. When Áñez declared herself president of Bolivia despite the lack of a quorum in the Senate due to the absence of senators from the Movimiento al Socialismo (MAS), President Morales' party, she lifted a huge bible, declaring that "The Bible has returned to the palace," echoing [her 2013 tweet](#) that the indigenous Aymara people's new year celebrations were "satanic," and declaring that "no one can replace God." (The Aymara people make up 41% of Bolivia's plurinational population.) It also echoes the rhetoric of fellow far-right coup proponent Luis Fernando Camacho, formerly affiliated with the [openly fascist Unión Juvenil Cruceñista](#). Camacho entered the presidential palace after Morales' exit, holding a Bible as one of his supporters declared that "Pachamama will never return to the palace. Bolivia belongs to Christ."

The anti-indigenous aspects of the coup were not confined to statements from prominent far-right leaders. Video footage was widely disseminated featuring pro-coup groups on the streets in La Paz, burning the Wiphala, the square flag representing indigenous people of the Andes. Police were photographed cutting out the Wiphala from the flag patches on their uniforms or lowering the indigenous flag from the front of Bolivian state flags. The Wiphala was integrated by the Morales government as the dual flag of Bolivia in 2009, along with a new constitution.

In the days following the coup, at least 23 deaths at the hands of military or police forces have been documented in Bolivia. A decree issued by self-proclaimed president Áñez claims to exempt members of the military or police from prosecution for crimes committed during the repression of anti-coup protests. Despite the role that OAS leadership has played in Bolivia, the [Inter-American Commission on Human Rights, an arm of that body](#), expressed grave concerns about this decree, noting that it "ignores international human rights standards and encourages violent repression."

The coup, unsurprisingly, also implicates the Bolivian oligarchy, whose control over wealth and resources continued to be challenged by the MAS government and its social programs. Camacho himself [has a long-running alliance](#) with separatist oligarchs and large landowners in the Santa Cruz area of Bolivia. The government's efforts toward nationalization were limited rather than radical. Indeed, many left and indigenous organizers and social movements sharply criticized the Morales government for the concessions that it made to oligarchs and multinational corporations. Nevertheless, the Morales government faced fierce opposition from oligarchic figures like Branko Marinkovic, a longtime Camacho backer and the former president of the Federation of Private Industries in Santa Cruz. He warned in 2006 that pursuit of [land reform would lead to "civil war."](#) and was charged in 2009 with providing \$200,000 to plotters

planning the assassination of Morales. He fled to Brazil, where he remains today, a strong supporter of extreme-right president Jair Bolsonaro. The Bolivian oligarchy has retained a close alliance with foreign corporations, including Canadian, Swiss and German mining companies, who have objected strongly to constraints on their activities by the Morales government and brought lawsuits in an attempt to perpetuate their [exploitation of Bolivian resources](#). In particular, Bolivia is home to the world's largest reserves of lithium, an element necessary to the development of electric-car batteries. The future of Bolivia's lithium industry and the people and lands affected by it also hang in the balance.

### **The United States Has a Long History Of Destabilizing Progressive Regimes in Bolivia and throughout Latin America via the School of the Americas**

There is a lengthy history of U.S. involvement in destabilization and dictatorship in Bolivia. In the 1970s, Gen. Hugo Banzer, a right-wing military dictator, was backed by the U.S. in his coup to bring down the left-leaning government of Juan José Torres, who was later killed in the U.S.-backed covert Operation Condor in Argentina. The military training academy in Fort Benning, Georgia, [now known as WHINSEC and previously as the School of the Americas](#), has trained coup plotters and human rights violators throughout the region for decades. Infamous training manuals used at the school openly encouraged the use of blackmail, torture and the targeting of civilians.

At least six major figures in the coup [were trained at WHINSEC/School of the Americas](#). Bolivian army commander Williams Kaliman, who issued the "suggestion" that Morales resign only hours before he did, citing a "civic, military and political coup," completed a class there in 2003. He also served as Bolivia's past military attache in Washington. Meanwhile, commanding police general Vladimir Yuri Calderon Mariscal, who reportedly led a police revolt on November 9, previously served as the President of Police Attachés of Latin America in the United States of America (APALA). This security alliance has been strongly criticized for attempting to bring Latin American police departments into the security ambit of U.S. intelligence agencies.

### **Political Leaders in the US Openly Supported the Coup**

[Leaked audios released](#) before the coup implicate SOA alumnus Manfred Reyes Villa, a U.S. resident, in plotting to bring down the Morales government. Four former military officials, all SOA graduates, are also heard on the recordings. But most troubling, the recordings include boasts of support from various U.S. elected and appointed officials, including Marco Rubio, Ted Cruz and Bob Menendez. Rubio, in particular, has made no secret of his [advocacy to bring down the Bolivian government](#), echoing his threats against the Venezuelan and Cuban governments. He also attempted to intervene in and [impugn the credibility](#) of the Bolivian electoral process.

Following the coup, [President Donald Trump](#) issued a statement "applauding...the Bolivian military," and declaring that the military coup "send[s] a strong signal to the illegitimate regimes in Venezuela and Nicaragua....We are now one step closer to a completely democratic,

prosperous, and free Western Hemisphere," in a blatant endorsement of the seizure of power by unelected military officials.

**NLG Calls for A Restoration of the Legitimate MAS Government and Compliance With the Bolivian Constitution and Laws against the Coup**

The National Lawyers Guild supports the movement of the Bolivian people marching and struggling to undo the coup and restore the legitimate government in line with the Bolivian Constitution. A strong response of solidarity has been seen in other Latin American countries, including mass mobilizations in Argentina as well as official responses from Mexico, Cuba, Nicaragua and Uruguay. For lawyers, law students, legal workers and jailhouse lawyers in the United States, it is urgent that we do our utmost to stop U.S. human rights violations and violations of international law throughout Latin America and the world. Of course, there is a long, bloody history of U.S. imperialism in Latin America that continues to threaten the continent and the world today. In particular, we must act to challenge U.S. involvement in the ongoing coup in the Plurinational State of Bolivia and unilateral coercive measures against states in the region including Cuba, Venezuela and Nicaragua, and show solidarity with indigenous people, campesinos, workers and social movements braving military control to stand for their rights and restore democracy in Bolivia.