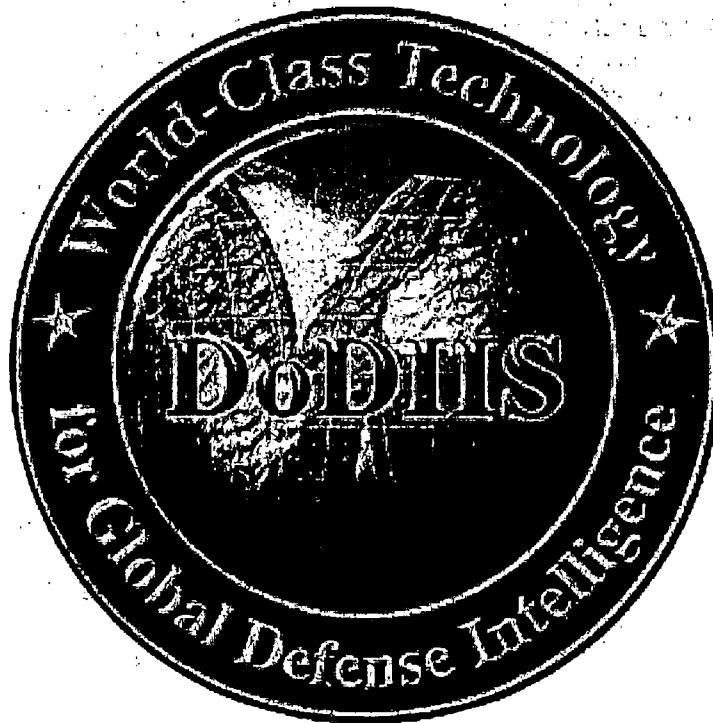


~~SECRET/NF~~

# Autonomy Exported Documents



~~SECRET/NF~~

~~SECRET/NF~~

Reference 2002-09-13-19.08.03.540000

CLASSIFICATION S

OWNERPRODUCER USA

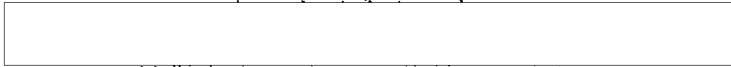
DISSEMINATION NF

PRIMARYKEY 20020913190803540000

KOTYPE Message

DATAPROVIDERNAME wiseae

DOCUMENTNUMBER



(b)(3)

DTG 132257Z SEP 02

ENVELOPE R TTSZYUW RUEAIIA 1549 2562303-SSSS--RHEFDIA. ZNY SSSSS

FROM CIA

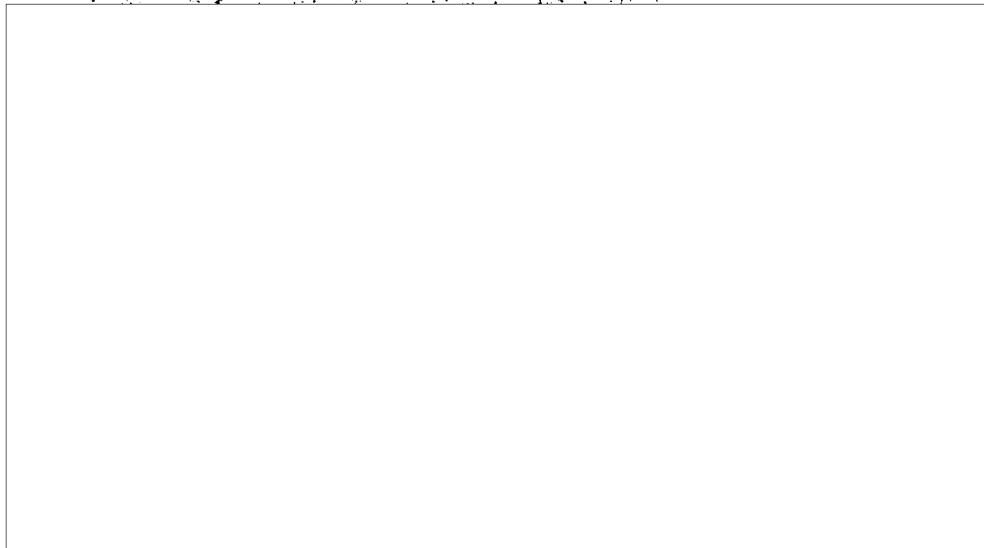
PRECEDENCE R

SCSANSAGENCY CIA

SCSOURCE CIA

SCTYPE DDO

TO

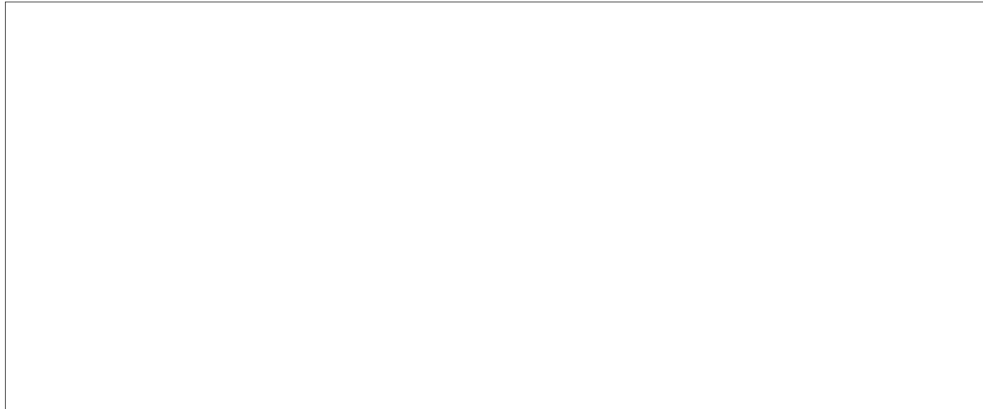


(b)(3)

~~SECRET/NF~~

SECRET/NF

(b)(3)



PLACE

JOB\_TITLE

CONTENT

----- CENTRAL INTELLIGENCE AGENCY -----

WARNING: INFORMATION REPORT, NOT FINALLY EVALUATED  
INTELLIGENCE REPORT CLASS S E C R E T --NOFORN DIST: 13  
SEPTEMBER 2002 COUNTRY: BOLIVIA SUBJ: INITIATION OF  
CONGRESSIONAL LEGAL CHALLENGE TO BOLIVIAN NATIONAL  
COUNTERNARCOTICS LAW BY MOVEMENT TOWARDS SOCIALISM  
CONGRESSMAN EVO MORALES DOI: SEPTEMBER 2002 SOURCE: [REDACTED]



(b)(1)  
(b)(3)

SUMMARY: IN MID-SEPTEMBER THE MAS PARTY  
POSED 12 LEGAL QUESTIONS CHALLENGING THE NATIONAL  
COUNTERNARCOTICS LAW 1008. THE PRESIDENT HAS UNTIL 17  
SEPTEMBER TO ANSWER THE CONGRESSIONAL QUERY OR HE RISKS  
FACING LEGISLATION AMENDING THE 1008 LAW. THIS IS THE FIRST OF  
SEVERAL LEGAL CHALLENGES THAT THE MAS PARTY PLANS TO TAKE  
AGAINST THE NATIONAL COUNTERNARCOTICS LAWS. TEXT: 1. [REDACTED]

[REDACTED] THE PRESIDENT OF THE CHAMBER OF DEPUTIES OF  
THE BOLIVIAN CONGRESS, GUIDO ((ANEZ)) MOSCOSO, FORWARDED AN  
OFFICIAL LETTER FROM THE LOWER HOUSE OF CONGRESS TO  
PRESIDENT GONZALO ((SANCHEZ DE LOZADA)) POSING 12 LEGAL  
QUESTIONS RELATED TO NATIONAL COUNTERNARCOTICS LAW 1008.  
THE MOVEMENT TOWARDS SOCIALISM (MAS) CONGRESSMEN WHO  
SUBMITTED THE QUESTIONS APPLIED ARTICLE 150 OF THE GENERAL  
RULES FOR THE CHAMBER OF DEPUTIES TO FORMALIZE THEIR ATTACK  
ON THE LEGALITY OF ASPECTS OF THE 1008 LAW. THE PRESIDENT HAS  
UNTIL 17 SEPTEMBER TO ANSWER THE CONGRESSIONAL QUERY AND  
HIS ANSWERS MUST INCLUDE LEGAL ARGUMENTS SUPPORTING THE  
1008 LAW. IF THE PRESIDENT FAILS TO RESPOND TO THE 12 QUESTIONS  
WITHIN THE ALLOTTED TIME, THE CONGRESSMEN MAY INTRODUCE  
LEGISLATION TO AMEND THE 1008 LAW BASED ON THE TACIT  
ACCEPTANCE OF THE GOVERNMENT THAT THE ASPECTS CONTAINED  
WITHIN 1008 LAW ARE INDEFENSIBLE. [REDACTED]

(b)(1)  
(b)(3)

MINISTER  
OF GOVERNMENT ALBERTO ((GASSER)), MINISTER OF DEFENSE FREDDY  
((TEODOVIC)) AND MINISTER OF AGRICULTURE ARTURO ((LIEBERS))  
WERE SCHEDULED TO APPEAR BEFORE CONGRESS AT 1700 HOURS ON  
THE AFTERNOON OF 17 SEPTEMBER TO ANSWER THE MAS PARTY  
QUERIES. 2. THE FOLLOWING ARE THE 12 QUESTIONS GENERATED BY  
MAS PARTY CONGRESSMEN EVO ((MORALES)) AYMA, ANTONIO  
((PEREDO)) LEIGUE, FELIX ((SANTOS)) ZAMBRANA, SANTOS ((RAMIREZ))

(b)(1)  
(b)(3)

SECRET/NF

SECRET/NF

VELARDE, DIONISIO ((NUNEZ)) TACARA, JORGE ((LEDESMA)) CORNEJO, EDMUNDO ((NOVILLO)) AGUILAR, MANUEL ((MORALES)) DAVILA, AURELIO ((AMBROSIO)) MURUCHI, EMILIO ((SEJAS)) MEDINA AND FELIX ((GARCIA)) SURCO. A. WHY DOES THE NATIONAL GOVERNMENT'S POLICY RELATE COCA LEAF TO THE ILLEGAL PRODUCT COCAINE? THE GOVERNMENT IS IGNORING ARTICLES 1, 2 AND 3 OF THE LAW 1008 WHICH DESCRIBE COCA LEAF AS A NATURAL PART OF THE ENVIRONMENT, HAS BENEFICIAL QUALITIES AND IS PART OF THE HERITAGE OF THE BOLIVIAN PEOPLE. B. WHY DOES THE GOVERNMENT CLASSIFY THE COCA PRODUCED IN THE CHAPARE AS ILLEGAL? ARTICLES 8, 9 AND 10 OF THE SAME 1008 LAW ESTABLISHED THAT THE CHAPARE IS A COCA TRANSITION ZONE AND COCA PLANTATIONS THERE ARE NOT ILLEGAL? C. WHY ARE COCA PRODUCERS IN THE CHAPARE CLASSIFIED AND TREATED AS CRIMINALS BY THE GOVERNMENT WHEN ARTICLE 12 OF THE NATIONAL 1008 LAW DESCRIBES THE PRODUCTION OF COCA AS A LEGAL ACTIVITY? D.

WHY IS THE GOVERNMENT CONTINUING WITH FORCED COCA ERADICATION IN THE CHAPARE IN OPEN VIOLATION OF ARTICLE 14 OF LAW 1008 WHICH ESTABLISHED THAT THE REDUCTION AND SUBSTITUTION OF COCA MUST BE VOLUNTARY AND AGREED TO BY THE COCA PRODUCERS? E. ACCORDING TO ARTICLE 21 OF LAW 1008, ALTERNATIVE DEVELOPMENT AND COCA CROP SUBSTITUTION ARE INTENDED PRINCIPALLY TO BENEFIT THE PRODUCERS OF COCA IN THE CHAPARE. WHY THEN, DOES THE GOVERNMENT'S POLICY OF FORCED ERADICATION ACTUALLY CAUSE VIOLENCE, PERSONAL INJURY AND DAMAGE TO THE FUNDAMENTAL RIGHTS OF BOLIVIANS LIVING IN THE REGION, WHO DO NOT AGREE WITH THIS POLICY? F. WHY DOES THE GOVERNMENT UNILATERALLY PROCEED WITH VIOLENT AND WRONGFUL ERADICATION OF COCA, WHEN UNDER THE SAME ARTICLE 21, THE LAW ESTABLISHED THAT THE PROCESS OF ALTERNATIVE DEVELOPMENT MUST BE CARRIED OUT IN A MANNER AGREED TO BY THE COCA PRODUCERS? G. WHY DOES THE GOVERNMENT NOT COMPLY WITH ARTICLES 22 AND 25 OF THE 1008 LAW, WHICH REQUIRE THE ESTABLISHMENT OF A DATE FOR IMPLEMENTATION OF REAL AND EFFECTIVE PLANS TO BRING ABOUT SUSTAINABLE SOCIO-ECONOMIC DEVELOPMENT FOR THE CHAPARE REGION? H. HOW IS THE GOVERNMENT USING THE SIZABLE SUMS OF MONEY THAT IT RECEIVES FOR COCA ISSUES? EXPLAIN WHY THIS MONEY HAS NOT EFFECTIVELY MADE IT TO THE PEASANT PRODUCER, AS IS REQUIRED BY LAW? I. WHY HAS THE GOVERNMENT NOT COMPLIED WITH ARTICLE 30 OF THE LAW GOVERNING COCA AND CONTROLLED SUBSTANCES WITH REGARD TO THE GOVERNMENT'S OBLIGATION TO CARRY OUT DEVELOPMENT ACTIONS IN THE AREAS OF ORIGIN FOR THE MIGRANT POPULATION IN THE CHAPARE? J. WITH WHAT CONSTITUTIONAL AND LEGAL BASE WAS THE JOINT TASK FORCE CREATED AND WHY HAS IT BEEN USED FOR THE UNCONSTITUTIONAL REPRESSION OF CHAPARE COCA PRODUCERS? EXPLAIN THE SYSTEMATIC VIOLATIONS OF THE HUMAN RIGHTS OF PEASANT FARMERS CARRIED OUT BY GOVERNMENT FORCES. K. WHY ARE MILITARY TROOPS ILLEGALLY BASED IN THE CHAPARE IF ARTICLE 280 OF THE CONSTITUTION ESTABLISHES THAT

SECRET/NF

SECRET/NF

THE MISSION OF THE ARMED FORCES IS TO DEFEND AND PRESERVE NATIONAL INDEPENDENCE, AND NOT TO BE FOCUSED ON INTERNAL ISSUES OR TO REPRESS, HARASS OR VIOLATE THE RIGHTS OF BOLIVIAN CITIZENS? L. WHAT IS THE LEGAL BASIS FOR THE GOVERNMENT'S HAVING SOUGHT TO ERADICATE COCA IN THE YUNGAS REGION, CONTRARY TO THE 1008 LAW WHICH DESCRIBES THE YUNGAS COCA PRODUCTION AS LICIT, LEGAL AND PERMANENT? 3. [REDACTED] CONGRESSIONAL ACTION BY THE MAS PARTY AGAINST THE 1008 LAW IS THE FIRST OF SEVERAL LEGAL ATTACKS PLANNED BY THE MAS PARTY ON THE NATIONAL COUNTERNARCOTICS LAWS. THE MAS PARTY INTENDS TO CALL INTO QUESTION THE LEGAL BASIS OF 1008 AND, IF SUCCESSFUL, TO HAVE THE LAWS CHANGED IN ORDER TO LEGALIZE COCA PRODUCTION IN THE CHAPARE. THE MAS PARTY CHALLENGE ALSO CALLS INTO QUESTION THE USE OF THE ARMED FORCES IN ERADICATION AS WELL AS THE GOVERNMENT'S AUTHORITY TO DICTATE WHERE IN BOLIVIA COCA MAY BE GROWN. [REDACTED] COMMENT:

(b)(1)  
(b)(3)

(b)(1)  
(b)(3)

THE GOVERNMENT MUST BE VERY CAREFUL IN HOW IT ANSWERS THE 12 MAS QUESTIONS BECAUSE IF THE GOVERNMENT CONCEDES THAT ANY PART OF THE 1008 LAW IS FLAWED, THEN THE ENTIRE LAW MAY BE LEGALLY CHALLENGED BY THE CONGRESS.) THE MAS PARTY PLANS TO CHALLENGE THE GOVERNMENT'S POSITION AT THE CONSTITUTIONAL TRIBUNAL IN SUCRE. IF DEFEATED IN BOTH THE CONGRESS AND THE COURTS, THE MAS PARTY IS PREPARED TO SUPPORT ROAD BLOCKAGES AND SOCIAL AGITATION TO FORCE THE GOVERNMENT TO CEASE FORCED ERADICATION IN THE CHAPARE. 4. [REDACTED]

(b)(1)  
(b)(3)

POC:

(b)(3)

[REDACTED] COMMENTS, EVALUATIONS, AND REQUIREMENTS WELCOME.

SECRET/NF