

# Bolivia

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## Section 1: Summary of Domestic Legislation

- Article 133, under chapter III of the Bolivian [Criminal Code](#) provided a legal definition of terrorism. It punishes with 15 to 20 years of imprisonment those who participate, act and collaborate with an armed band committing crimes against the public safety, life, physical integrity, transport and property freedoms and aiming to subvert the institutional order and provoke panic in the population.

Although recruitment and membership of a terrorist organisation are not considered as separate offences in Bolivian legislation, article 132 of the Criminal Code penalises with 1 to 3 years imprisonment membership of an armed group that commits any offence included in a list that contains crimes such as kidnapping, destruction of state property or torture. Leadership of such organisations carries a penalty of 2 to 6 years.

Terrorism incitement is not a separate offence but it is addressed by Articles 130 and 131 who penalises those who instigate the commission of an offence.

- As Article 70 states, the Attorney-General is responsible for initiating criminal prosecutions and it is the main actor in the state's response to terrorism. It also submits statistical reports on prosecutions and convictions in this field.
- Terrorism financing is broadly covered by Article 185 bis of the Bolivian Criminal Code, which addresses the crime of money laundering. The crime is punished by 1 to 6 years imprisonment and affects those who transfer funds from crimes committed by criminal organizations in Bolivia or another country with the purpose of concealing and covering their origins.

Article 185 sets up a Financial Intelligence Unit (FIU) to investigate these crimes. The structure, competencies and functioning of this unit is established in the [Supreme Decree 24771](#) of 31 July 1997. This body is tasked with the receiving, processing, analyzing and transferring national authorities' information and intelligence data on money laundering.

- Bilateral cooperation in counter-terrorism is regulated, along with other areas of cooperation in criminal matters, by Title VI in the [Act 1970](#) of 25 March 1999. Proceedings and rules governing the extradition of suspects are also covered in chapter II, Articles 149-159.
- [Act 2640](#) of 11 March 2004 on compensation to the victims of political violence offers reparation to the relatives of those who died by the action of state terrorism occurred during the period going from 4 November 1964 to 10 October 1982 when authoritarian regimes governed the country.

- Regarding the regulation and control of explosives, arms and other weapons, the second report for the UN CTC (August 2002) includes draft legislation on this area discussed by the Bolivian National Congress. It sets standards and defines the procedures for the manufacture, sale, transport, possession and use of weaponry, explosives and chemical agents.

## **Section 2: Relevant International Instruments**

### ***Anti-Terrorism Instruments***

Bolivia has ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism](#) 2005 is yet to be signed or ratified.

### ***Human Rights Instruments***

Bolivia is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [American Convention on Human Rights 1969](#) which Bolivia ratified in 1979.

## **Section 3: Useful Reports**

### **❖ UN Counter-Terrorism Committee Reports**

Bolivia's anti-terrorist efforts have been summarised to the [United Nations Counter-Terror Committee \(CTC\)](#) in four separate reports.

- A January 2002 [report](#) on Bolivia's implementation of Security Council resolution 1373 (2001) outlines the state's attempts to prevent and suppress terrorist financing, freezing terrorist assets and terrorist recruitment and supply of weapons. Other areas addressed are information exchange with other states, denial of safe haven to terrorists and criminalisation of terrorist acts.
- A supplementing August 2002 [report](#) focuses more closely on existing methods to monitor suspicious financial transactions, freeze funds, prevent the use of non-profit organisations for terrorist purposes and block the acquisition of weapons by armed bands. There is also additional information on inter-agency coordination between specialised security bodies and cooperation with other countries and international organisations. Finally, the document provides an English translation of a draft legislation on the regulation of the manufacture, sale, transport and use of arms, explosives and chemical agents.
- The third [report](#) (August 2003) documents progress in the implementation of SCR 1373 and more specifically the reporting of illicit profits, regulation of funds transmission agencies and implementation of best practices. International cooperation is the other main theme in the report.
- The last document informing the UN CTC on Bolivia's implementation of SCR 1373 was presented on November 2004. It outlines the competencies of Bolivia's FIU and further clarifies a number of areas including criminalisation of terrorism,

funding and freezing of assets, terrorism recruitment, border control and international anti-terrorist cooperation.