



Forest Peoples Programme

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His Excellency:
President Evo Morales
Plurinational State of Bolivia
Palacio Gobierno
Plaza Murillo
La Paz
BOLIVIA

27 September 2011

Your Excellency,

Plea for full respect for human rights and protection of TIPNIS indigenous territory, Bolivia

As a human rights organisation accredited under the Economic and Social Council of the United Nations (ECOSOC), the Forest Peoples Programme (FPP) is writing to you to urge your government to fully uphold the rights of peaceful protesters marching to La Paz in an effort to raise concerns over the future of the TIPNIS indigenous territory and protected area.

The purpose of this letter is to insist on respect for the rights of indigenous peoples on the current march and for indigenous peoples who traditionally own and occupy the TIPNIS territory, including their right to **free, prior and informed consent (FPIC)**.

Reports of police action against protesters:

FPP received reports on 25th September 2011 regarding unprovoked actions by police against participants on the March in Defence of the Indigenous Territory and National Iseboro Sécure Park (TIPNIS). We understand that such actions included the use of tear gas, physical violence and the capture of a number of marchers by uniformed police officers. People abused and detained included the President of the TIPNIS sub-centre, who was reportedly beaten while lying on the ground. According to the information available, we have learned that a significant number of marchers were then taken away in four buses by police forces. FPP is likewise alarmed to learn that women and children were also injured in the police action in Beni department.

Plea for police and government restraint and full respect for human rights

In view of the above tragic incidents and the potential for further conflict, FPP calls on your government to fully safeguard the rights of protesters to freedom of movement, speech and peaceful demonstration without hindrance, with full access to the media. We respectfully request that your office instructs the police force to enable the marchers to continue their protest and enter into constructive dialogue with your government over official plans and policies affecting the TIPNIS territory.

In this context, FPP welcomes the recent release of detainees and your public and timely condemnation of the police violence perpetrated against protesters. We are also pleased to learn of your decision to conduct full investigations of the police violence. FPP and the international community are now monitoring Bolivia's actions

closely to observe how its international obligations to respect human rights, including the right to freedom of speech and the right to be free from arbitrary detention, are upheld in this case.

By means of this letter we also urge you and your government to:

1. Uphold the rights of protesters to physical integrity
2. Put in place immediate measures to prohibit the arbitrary detention, abuse or torture of protestors
3. Ensure that investigations into the police actions and alleged brutality on 25-26th September instigate necessary sanctioning of all parties found to be responsible
4. Guarantee a peaceful reception for the march leaders and representatives of the TIPNIS communities in La Paz
5. Engage in open and transparent dialogue with the protesters to hear their concerns and explore options for sustainable solutions to the TIPNIS case.

With regard to the latter point, FPP also welcomes your recent decision to suspend plans for the construction of the road through the TIPNIS until consultation is carried out with the departments of Beni and Cochabamba. At the same time, FPP respectfully wishes to point out that such plans would not constitute fulfilment of Bolivia's obligations to undertake a specific FPIC process with affected indigenous peoples regarding development plans for TIPNIS.

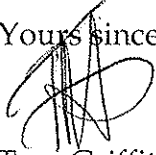
FPP urges the Bolivian State to ensure full respect for the right of the indigenous peoples of TIPNIS to **Free Prior and Informed Consent** in line with Bolivia's obligations under international law and norms established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and related human rights instruments, including ILO Convention 169 and relevant judgements of the Inter-American Court of Human Rights.

As a minimum, the Bolivian government must take the following actions to ensure full respect for FPIC and adherence to its related international commitments to uphold indigenous peoples' rights:

- Undertake dedicated open, transparent and specific prior consultations with affected indigenous peoples, including provision of all relevant information on potential direct and indirect adverse impacts of road construction through TIPNIS, as well as possible benefits
- Establish mutually agreed mechanisms for FPIC for affected indigenous communities involving, *inter alia*, their own freely chosen representatives, full respect for internal decision-making processes and measures for independent verification of consent (or lack thereof)
- Initiate a transparent process for a public options assessment of alternative development plans that would ensure full respect for indigenous peoples' rights and safeguarding of the biological diversity in the TIPNIS territory and protected area

FPP looks forward to learning how your government will address the general and specific concerns and recommendations made in this letter.

Yours sincerely,



Tom Griffiths
Forest Peoples Programme
United Kingdom

cc.

UN Special Rapporteur on the Rights of Indigenous Peoples

UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of
Opinion and Expression

UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of
Association

UN Special Rapporteur on Violence Against Women, its Causes and Consequences

UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading
Treatment or Punishment

UN Expert Mechanism on the Rights of Indigenous Peoples

UN Permanent Forum on Indigenous Peoples Issues

Bolivian Embassy, London