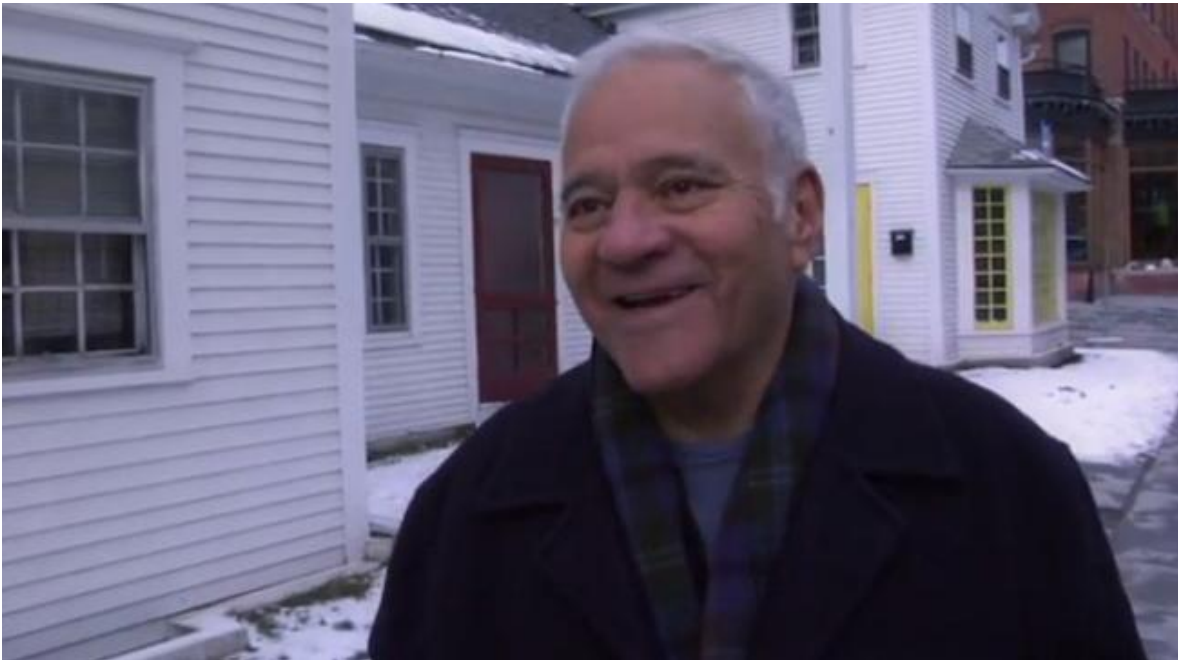


## Goni on Trial

Jacquelyn Kovarik  
Nacla, March 22, 2018

U.S. economic and political intervention defined the political career of former Bolivian president Gonzalo “Goni” Sanchez de Lozada. Now, in an unprecedented move, the U.S. is putting him on trial.



*Gonzalo "Goni" Sánchez de Lozada, ex-president of Bolivia (From the documentary "Un Minuto de Silencio")*

Former Bolivian president Gonzalo “Goni” Sanchez de Lozada and his one-time defense minister Jose Carlos Sánchez Berzain [took the defendants’ stand](#) on Tuesday March 6 in a United States civil trial in Fort Lauderdale, Florida. This marks [the first time in U.S. history](#) that any former head of state has been put on trial before his accusers in a U.S. court. Tracing Goni’s decades-long relationship with U.S. politicians, economists, and political consultants makes this case all the more surprising—and emphasizes the importance of confronting U.S. intervention in modern Bolivian politics as this case unfolds in the following weeks.

The case against Goni alleges that the Bolivian military massacred over 60 citizens in October 2003 in El Alto, a case commonly referred to as “Black” or “Red” October. This violence marked the culmination of the [Bolivian Gas War](#), when El Alto neighborhood organizations, Indigenous Aymara peasants, and citizens across various sectors of Bolivian society rose up to protest the privatization of natural gas reserves under Goni’s government. The bloody clashes between protesters and the Bolivian army would eventually lead to Goni’s forced resignation, two other short-

lived presidencies, and finally the election of Bolivia's first Indigenous president Evo Morales, who is of Aymara descent and remains president of Bolivia today.

On the first day of the trial, Goni and Berzain sat quietly as they listened to various Aymara survivors testify about the repression and violence that they and their families endured almost 15 years ago. "This 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 of the Center of Constitutional Rights](#), one of the attorneys of the eight families presenting the case against Goni, in a press release. The U.S. court's decision to try Goni is an enormous victory for human rights activists, and especially for Indigenous peoples of Bolivia.

The trial results from [a case](#) that has been in various stages of litigation for over a decade. Bolivian plaintiffs were able to file [Torture Victim Protection Act \(TVPA\)](#) suits against Goni and Berzain in the United States. This was possible due to a [U.S. federal law](#) that grants its federal courts jurisdiction to hear lawsuits filed by non-U.S. citizens for crimes that violate international law—in this case, the crime of state-led extrajudicial killings.

*That Goni is being tried in a U.S. court is not only unprecedented, but incredible, considering the context of the case.* That Goni is being tried in a U.S. court is not only unprecedented, but incredible, considering the context of the case. The October Massacre was the end result of years of boiling tensions between Indigenous and non-Indigenous peoples over privatization—of natural resources and of elements of the Bolivian government—tensions that are deeply intertwined with the long history of U.S. presence in Bolivia. The series of events prior to the Gas War, the massacre itself, and the subsequent protection of Goni in the United States for almost 15 years before his trial all point to the United States' ever-present hand in Bolivian politics. The significance of Goni being tried in a U.S. court, given these facts, is difficult to overstate.

## **Goni's Neoliberal Beginnings**

In Bolivia, many see Goni as a neoliberal and pro-interventionist representative of the United States. Goni is an easy target for such observations: having attended boarding school in Iowa, his U.S. accent in Spanish has earned him the nickname of "[El Gringo](#)" in Bolivia. During his undergraduate studies at the University of Chicago, Goni was influenced by [Milton Friedman and the Chicago Boys](#), and later by [Jeffrey Sachs](#), who made his name in global economics by creating the "Harvard Boys, and promoting "shock therapy." Under this theory, U.S.-style "free market" policies are forcibly implemented on a country reeling and debilitated from massive collective shock, such as war, terrorist attacks, natural disasters, or—[in the case of Bolivia—a string of U.S.-backed military dictatorships](#). Bolivia became the [laboratory](#) for [Jeffrey Sachs' "shock therapy"](#) in 1985.

Jeffrey Sachs' laboratory was suffering from intense state repression and collective trauma at the tail end of [one of Bolivia's bloodiest dictatorships](#) under [General Luis García Meza](#) (1980-1982). In 1985, just weeks after the election of President Víctor Paz Estenssoro, Goni was appointed as Planning Minister [and became the architect of Sachs' applied shock therapy in Bolivia](#). Goni saw to it that the failing Bolivian tin mines—nationalized during the country's [revolutionary agrarian reform in 1952](#)—were privatized and became fair game for Wall Street investors. Utilizing Sachs' top-down economic approach, [the 1985 neoliberal structural adjustment program \(SAP\)](#), implemented under Estenssoro and Goni, led to [rampant unemployment](#) of Bolivian miners, peasants, and factory workers alongside [a surge of coca production and state-sanctioned drug money laundering](#). [Supreme Decree 21060](#), designed by Goni and promulgated by Estenssoro, linked Bolivian currency to the U.S. dollar and made labor strikes of any kind illegal, while simultaneously shuttering hundreds of nationalized mines and leaving the vast majority of miners [unemployed](#).

Less than a decade later, Goni set his sights on the presidency. Bolivia's economy was in disrepair, and Goni [offered a solution](#): to privatize all six government-owned companies—including electricity, telephone lines, petroleum, the nation's main airline, the nation's biggest tin refinery, and the largest railroad company. All together these companies accounted for nearly half the total economic activity of the country. [Teaming up](#) with the World Bank and the International Monetary Fund (IMF), Goni planned to take shock therapy to [the next level](#) through his so-called "Plan for Everyone."

This new project was Goni's response to Bolivia's majority anti-privatization stance. Although [Goni would have preferred](#) to sell the companies, Goni instituted "capitalization," which offered a compromise: it would transform Bolivia's state companies into hybrid private-public partnerships between foreign investors and the Bolivian state. This plan was a stepping-stone toward discreetly privatizing Bolivia in a way that the people of Bolivia could digest. But [capitalization led to an increase](#) in gas smuggling, tax evasion, and [high-profile corruption scandals](#). Unemployment increased—tripling between 1993 and 2003—and [inequality grew](#). The country's natural resources began to be auctioned off, yet the state revenues remained static.

## **A Short Second Term**

In 1997, Goni lost his re-election bid to [Hugo Banzer Suárez](#), a former military dictator who was trained in the infamous [School of the Americas](#) and [oversaw the torture, death or forced disappearance of hundreds of Bolivians](#) in the 1970s. After Banzer stepped down in 2001 on the tail of the [Cochabamba Water War](#), Goni ran again. His capitalization policy from the '90's had left him deeply unpopular with the majority of the Bolivian population as anti-neoliberal currents gained ground after the water wars and [coca wars](#).

As recounted in Rachel Boynton's 2005 documentary "[Our Brand is Crisis](#)", Goni hired a team of Washington-based political consultants called Greenberg Carville Shrum (GCS)—to advise his campaign strategy. His top consultant was Jeremy

Rosner, best known as Bill Clinton's former speechwriter. GCS's strategy was simple: they planned to capitalize on the population's fear of political and social crisis. When Goni hired GCS's services, he was polling at below 16%. But Rosner convinced Goni to push ahead with a plan to modernize, to globalize—which included promise to privatize gas. The population's resistance to this U.S.-advised transplant neoliberal democracy would bloodily erupt in El Alto in October 2003, just 13 months after Goni was elected.

## Uprising in El Alto

Bolivia—and El Alto in particular—has a rich history of popular protest over natural resources, as seen in the Cochabamba Water War and the coca wars of the '90s. El Alto is today the second largest city in Bolivia, and by far the most indigenous—with over 74% of those older than 15 identifying as Aymara and 6% as Quechua, [according to the 2001 census](#). In NACLA, Xavier Albó pointed out that the 1994 Law of Popular Participation—signed by Goni in the first year of his first presidential term—“breathed new life into rural municipalities.” As thousands of unemployed workers turned to the informal sector as a result of the privatization policy, Indigenous guilds grew exponentially, forming massive labor unions and Indigenous political parties—with ideologies infused with Indigeneity, socialism and Trotskyism, [Albó wrote](#).

In 2003, however, the violent response from the government was unprecedented. [Allegations in court documents](#) assert that the military relied heavily on machine guns and sharpshooters, and there have even been accusations of shootings from helicopters. The military assault on civilians left nearly 60 dead and over 400 injured. Women and men alike took to the streets, dug trenches and took turns staying up by bonfires to guard neighborhoods at all hours.

The conflict had begun in February 2003, when a new income tax imposed by the IMF triggered a rebellion led by Bolivian police and high school students in La Paz. 33 were left dead in “Black February,” and the rage spread to El Alto—where peasants began to torch government buildings and political offices. In October, when Goni announced his new plan to privatize gas, El Alto rose up in mass protest. To put salt on the wound, Goni's plan was [to export Bolivian gas through Chilean ports to the United States](#)—thereby managing to include the two most-hated enemies in the Bolivian national consciousness: Chile the thief of the sea and Bolivian sovereignty, and U.S. the face of imperialism itself.

At his trial this month, plaintiffs in Fort Lauderdale [gave their personal testimonies](#) about what happened in October 2003. One of the plaintiffs is Etelvina Ramos Mamani, who described in detail how she awoke one night to the sound of gunshots and discovered that her eight-year-old daughter, Marlene, had been fatally shot by Bolivian soldiers through her bedroom window. The gunshots lasted for hours, and when they stopped, Mamani and her relatives held an impromptu wake in the dark for her slain daughter. Marlene is just one example of the innocent victims of the “Red October.”

## Asylum in the United States

Shortly after, on October 17, Goni fled to the United States when various sectors of Bolivian society organized resistance and called for the arrest of their president. The U.S. quickly proved to be a safe haven for Goni from 2003 until 2018, despite [outrage from Bolivians living in the U.S.](#) and U.S. citizen [petitions](#) urging the government to extradite Goni back to Bolivia.

In 2007, Bolivian prosecutors [brought formal charges of genocide](#) against the ex-president, and in 2008, Bolivian officials, pushed by organized families aided by lawyers like Rogelio Mayta, [formally requested the extradition of Goni](#). U.S. officials were hesitant, expressing doubts that Goni [would have a fair trial](#) in Bolivia.

Goni did not even need to lay low during his new life in affluent Bethesda, Maryland. On the contrary, he maintained a high-profile figure as a politician and businessman. Goni continued his mining career in the United States—eventually becoming a [top manager of Petromina LLC](#), sponsoring universities, giving speeches, and even delivering a TEDTalk. In 2015, [President Obama appointed Mark Feierstein](#)—Goni's former campaign advisor from his 2002 campaigns—as senior director for Western Hemisphere Affairs in the National Security Council. Furthermore, [Gregory Craig](#), Goni's former defense lawyer, served as Obama's White House counsel. The U.S. protection of Goni all these years [is not surprising](#). What is surprising is that his case is finally going to trial.

## The Case: Now and Looking Forward

On March 6, 2018, Goni's lawyer, Ana Reyes [presented her defense to the court](#): that in reality Evo Morales and Felipe Quispe (el Mallku), local Indigenous leaders involved in the uprisings in El Alto, are responsible for the October Massacre and that Goni was simply and justifiably attempting to set up macro-economic policies to pull Bolivia out of economic crisis. This defense argument echoes the rhetoric that Goni's Washington-based advisors used to launch his campaign in 2002, just months before the massacre. Goni and his campaign had also attempted to blame Indigenous activists for violence back in 2003, when they attempted to paint Evo Morales as a terrorist and [narco-trafficker](#), using [rhetoric borrowed from the U.S. State Department](#). Reyes' arguments are far from new: they are the recycled, regurgitated arguments of Goni and his US-advised political campaign from 15 years ago.

Since original appeals in 2008, the defense has continuously attempted to paint this trial as politically motivated by Evo Morales and the MAS party. This argument is ahistorical, considering that a [two-thirds majority of the Bolivian Congress](#) sanctioned the charges against Goni in 2004, before Evo had even been elected as president—a Congressional majority allied to Goni's party, under a Supreme Court with no members with MAS ties. In fact, Goni's own vice-president at the time, Carlos Mesa, [publicly denounced](#) the bloody suppression of protesters during Black October as it unfolded.

*The irony is that it is difficult to imagine Goni being tried impartially in a U.S. court, since the U.S. has been anything but impartial in modern Bolivian politics, and even less so in regards to Goni himself.* In granting Goni and Berzaín asylum for the past decade, the U.S. State Department has declared that [the defendants could not be granted a fair and impartial trial in Bolivia](#), and that they are at risk of political persecution. The irony is that it is difficult to imagine Goni being tried impartially in a U.S. court, since the U.S. has been anything but impartial in modern Bolivian politics, and even less so in regards to Goni himself.

The U.S. refusal to extradite Goni brings to mind other instances of U.S. protection of Latin American human rights abusers, such as the [failure to extradite the self-professed terrorist Luis Posada Carriles](#) and the Haitian death squad leader [Emmanuel “Toto” Constant](#). Both of these cases involved defendants who worked with the CIA and both cases were notoriously mishandled by the State Department. However, there are also hopeful precedents for this case—just not via U.S. courts.

One example is that of [Efraín Ríos Montt](#), the Guatemalan ex-dictator who killed thousands of indigenous Guatemalan people during his short-lived dictatorship in 1982. Montt was found guilty of genocide according to Spanish courts in 2007, and though his case in Guatemala was halted due to legal complications, the space it provided for [healing and transitional justice among the Maya Ixil Indigenous peoples](#) was praised internationally. Another case is that of [former Peruvian president Alberto Fujimori](#), who in 2007 was extradited from Chile to Peru and in 2009 declared guilty of human rights violations committed during his authoritarian neoliberal presidency in the 1990s. Montt and Fujimori were the first cases in which former heads of state were tried and convicted of human rights violations under their own countries’ judicial systems. Furthermore, both of these men were extradited and tried for human rights violations committed by their armies—especially relevant to the Goni case.

The U.S. district court for the Southern District of Florida has a reputation of conservatism, and [some imply](#) that Goni and Berzaín’s former attorney, Greg Craig, transferred the court case from Maryland to Florida so Goni could be tried in a court that would be more sympathetic to his case. James I. Cohn, the judge overseeing the case, is a lifelong democrat who was appointed under Republican president George W. Bush. He has [a reputation of “cutting both ways”](#) and is somewhat of a wild card. The jury, selected on March 5<sup>th</sup>, [was carefully screened](#) to weed out anyone who identified as an activist or a participant of protests, the aforementioned considered to be partial.

On March 9<sup>th</sup>, [three key court witnesses were announced](#), including Waldo Albarracín, who presided over the Assembly of Human Rights of Bolivia during the October Massacre and actively fought to pacify the government response to the protests. Last Wednesday, Víctor Hugo Canelas, Goni’s Deputy Minister during his first term (1993-1997), [testified](#) that Berzaín had discussed killing people during the Black October protests. The following day, Juan del Granado, mayor of La Paz

during the massacre, [testified](#) that a string of cabinet members under Goni sought and approved the "crushing" of protests in October 2003, and [he held Berzaín responsible](#). On Friday, March 13, former Bolivian president Carlos Mesa, Goni's former vice-president who openly disagreed with Goni's actions during the October massacre, [sent his testimony to the civil court in Fort Lauderdale](#) and urged the public to remember that he denounced Goni's actions in 2003—despite rumors that he [rejected the invitation to be a witness](#). Each of these witnesses are considered vital assets to the plaintiffs' case.

As a defense witness, Berzaín [completely denied any culpability](#) in relation to Black October in a two-day testimony last Tuesday and Wednesday, and attempted to push the blame entirely on Goni. He ended his testimony by [calling Evo Morales a murderer](#). Furthermore, on the second day of Berzaín's testimony the defense announced that [Goni will not testify in court](#).

*The court appears unlikely to consider the historical context of Goni as a figure and of El Alto as a site of radical anti-U.S. protest.* After 15 years, is it possible that Goni and Berzaín will be convicted? The defendant's arguments will likely follow suit from the motions to dismiss in years prior. The [main arguments](#) are as follows: [the TVPA is not designed to burden U.S. courts with cases that do not have to do with the U.S.](#); U.S. courts cannot judge how foreign heads of state deal with riot situations, and the plaintiffs have not proven that the killings were intentional and systematic. The court appears unlikely to consider the historical context of Goni as a figure and of El Alto as a site of radical anti-U.S. protest.

The October Massacre led to a Bolivian reckoning with its colonial and anti-Indigenous, and neoliberal past. It was likewise a moment of reckoning with its long and troubled history with U.S. intervention. Goni's disparagement of the Gas War protests in El Alto led its many participants, including ex-miners, Aymara and other rural peasants, and even some middle class groups, to turn to a different form of politics. This case finally making it to court is testament to that political shift.

There is one glaring precedent that stands out that could lead to a conviction for Goni, even in a U.S. court: [the conviction of Manuel Noriega, former military dictator of Panama from 1983 to 1989](#). Noriega was also tried in the Court for the Southern District of Florida, just like Goni. Also like Goni, there was an element of irony in Noriega's case: though he had long-standing ties with the CIA and was supported by the U.S. during his dictatorship, he was also tried and eventually convicted in none other than a U.S. district court.

However, the Noriega case had important differences: Noriega was decidedly an enemy of the U.S. at the time of his conviction—being tried for money laundering, drug trafficking, and racketeering after being captured during the U.S. invasion of Panama in 1989—and the court even ruled that any evidence related to Noriega's prior collusion with the U.S. government was [not relevant to his defense](#). In Noriega's case, though he had been an ally of the U.S., by the time of his trial he was indisputably an enemy. In the case of Goni, the cards are not so neatly stacked.

There is a blindness to the trial, as it seems unlikely the U.S. will acknowledge its own role in the interventionism and policies that led to the conflict. From the Left, it is difficult to ignore the irony that Goni is being tried in a court of law in a country that promotes the very narrative that enabled such violence in the first place.

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