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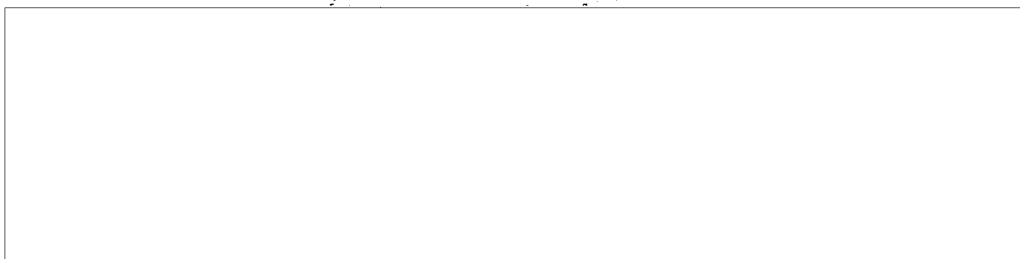


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PLACE	Bolivia
PERSON	Gets Sanchez
PERSON	La Paz La
PERSON	La Paz El
PERSON	President Gonzalo Sanchez
PLACE	Sucre
JOB_TITLE	Attorney General
PERSON	President Armando Villafuerte
JOB_TITLE	Public Prosecutor
PERSON	Gonzalo Sanchez
PERSON	Ministers Carlos Saavedra
PERSON	Carlos Sanchez
PERSON	Javier Torres
PERSON	Golfia Caballero
PERSON	Hugo Carvajal,
PERSON	Adalberto Kuajara
PERSON	Dante Pino,
PERSON	Erick Reyes Villa,
PERSON	Mirtha Quevedo,
PERSON	Javier Comboni

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PERSON	Carlos Morales,
PERSON	Jorge Berindoague
PERSON	Jose Guillermo Justiniano,
PERSON	Jorge Torres
PERSON	Evo Morales
PERSON	Felipe Quispe
PERSON	Alejo Veliz
PERSON	Jaime Solares,
PERSON	Oscar Olivera,
PERSON	David Vargas,
PERSON	Faustino Ugarte
JOB_TITLE	President
PERSON	Jaime Paz Zamora
PERSON	Oscar Eld
PERSON	Manfred Reyes Villa

CONTENT

COUNTRY: BOLIVIA SUBJ: Bolivia: Congress Gets Sanchez de Lozada Case File; Immediate Decision Expected REF: 1. Bolivia: Sanchez de Lozada Files Appeal To Block Formal Indictment LAP20040128000051 La Paz La Razon (Internet Version-WWW) Spanish 28 Jan 04 SOURCE: La Paz El Diario (Internet Version-WWW) in Spanish 29 Jan 04 TEXT: [Unattributed report: "Sanchez de Lozada Prosecution: Congress Receives Case File; Must Take Immediate Action"] [FBIS Translated Text] The National Congress received the case file for the trial against former President Gonzalo Sanchez de Lozada and his ministers yesterday, and as soon as possible will have to pronounce itself in favor or against commencing proceedings. From Sucre, the news agency Fides reported that the Full Chamber of the Supreme Court had ruled to refer the indictment procedure, only four days before the Constitutional Court admits or rejects a move that could paralyze dealing with the issue for at least two months. The document was sent to Congress after the Criminal Court's report was published, in which judges ratified the observations that had been made regarding the basis of the indictment request lodged by the Attorney General of the Republic. The Supreme Court judges decided to prevent more reasons for delay coming up in

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the potential hearing of the trial and they referred the file to the Legislative Branch, as is established in Article 3 of the "Law on Trials of Responsibility against High-Ranking State Officials." Supreme Court ruling 12/2004 makes it clear that from the indictment request "one can infer that the Attorney General has not saved the observations for which the case was returned to him."

"However, the Full Chamber considers that it is not pertinent to return said case to the Attorney General who, despite admitting its precariousness, has supported the contents of this request," the text adds. In the section on the ruling, the document determines that: "therefore, the Full Chamber of the Supreme Court of Justice of the Nation refers the case to the National Congress, following provisions contained in Article 118, subsection 5, of the State Political Constitution, and Article 3 of Law 2,445 of 13 March 2003." Two Thirds After the Full Chamber's meeting, Supreme Court President Armando Villafuerte confirmed that the file had been sent to Congress, for that entity to authorize or reject beginning the trial against [the former president and his ministers], which would have to be passed by 2/3 of the votes. "The Supreme Court, gathered in Full Chamber, after summoning two supplementary judges to reach the necessary quorum, has ruled to refer the file, following the contents of Law 2,445. Nevertheless, in the Full Chamber's opinion, the observations that at the time were made on the indictment request have not been saved," he said.

The judicial authority said that they had taken this line of action to avoid "an unnecessary to-and-fro of the case between the Supreme Court and the Attorney General's Office." When asked about the likely fragility of the accusation, due to the lack of foundations in the Public Prosecutor's indictment request, Villafuerte said that Congress had its own attributes and would have to pronounce itself with a "legally founded" ruling regarding the issue. Legal Action The referral of the file to the National Congress occurred a few days before the Constitutional Court decides whether it will admit or reject the direct motion for nullity presented last week against the Attorney General's indictment request. The trial would be paralyzed for at least two months if the legal action is admitted, because the document would have to be referred to that legal entity for it to consider how to deal with the case. A rejection would make it possible for the document to be returned to the National Congress, for it to continue its normal course, as established in the Law on Trials of Responsibility. The Constitutional Court has until 3 February to pronounce itself on the matter. Accusation The accusation establishes that a trial of responsibilities should be commenced against Gonzalo Sanchez de Lozada. The Public Prosecutor's Offices requested proceedings to be commenced for crimes referring to violations of constitutional and individual guarantees, as well as genocide. The accusation also implicates former Ministers Carlos Saavedra, Carlos Sanchez Berzain, Yerko Kukoc, Javier Torres Goitia Caballero, Hugo Carvajal, Guido Anez, Adalberto Kuajara, Dante Pino, Erick Reyes Villa, Mirtha Quevedo, Javier Comboni, Carlos Morales, Jorge Berindoague, Jose Guillermo Justiniano, and Jorge Torres. The documents also opened up the possibility of commencing criminal proceedings in normal courts against the leaders Evo Morales, Felipe Quispe Huanca, and Alejo Veliz, in addition to Jaime Solares, Roberto de la Cruz, Oscar Olivera, David Vargas, and Faustino Ugarte. However, the accusation freed [former President] Jaime Paz Zamora and Oscar Eid from the Movement of the Revolutionary Left (MIR) and Manfred Reyes Villa of the New Republican Force (NFR), because they did not occupy public posts and were only carrying out activities as heads of a political

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