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BOLIVIA

Miscarriage of justice?

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Bolivian President Evo Morales has generated plenty of controversy during his first two years in office, tightening state control over natural gas reserves, convening a constituent assembly and echoing Chavista anti-U.S. rhetoric. Amid all this, it would be easy not to notice an episode that tramples the civil rights of one of Bolivia's foremost defenders of the rule of law.

The Morales government has charged former President Eduardo Rodríguez Veltzé with treason for subordinating Bolivia to a hostile foreign power. The power in question is the United States, and the case is a travesty of justice. Rodríguez committed no crime, and the case is politically, rather than legally, motivated.

Ex-President Rodríguez was chief justice of the Supreme Court, but assumed the presidency in June 2005 when then-President Carlos Mesa stepped down in the face of street protests. Rodríguez's mandate was to guide the country to new national elections in December 2005.

He fulfilled this charge, maintaining peace and civil order under the most adverse conditions and overseeing elections that were universally recognized as free and fair.

Morales vs. courts

Rodríguez did a service to his country, and the biggest beneficiary was Evo Morales. But the Morales government is intent on thoroughly recasting all of Bolivia's political institutions, including the courts. As a longstanding defender of judicial neutrality and the impartial rule of law, Rodríguez immediately became a target.

The charge of treason derives from cooperation between the Bolivian military and the United States. It is U.S. government policy to decommission portable surface-to-air (SAM) missiles throughout the Americas. The policy is endorsed by the United Nations, the Organization of American States and the International Civil Aviation Organization. Up until 2005, Bolivia's air defenses consisted of a stockpile of 31 SAMs. The missiles were obsolete and no longer reliable, although they could still pose a threat if obtained by terrorists.

In October 2005, while Rodríguez was in Brazil at a summit meeting, the Bolivian military transferred these missiles to the United States to be disabled. Rodríguez did not object to the general policy of decommissioning missiles. But he did not authorize the transfer, which was undertaken by Bolivian military officers in coordination with the U.S. military mission in the country.

Missile agreement voided

When he returned to the country, Rodríguez voided an agreement signed by the deputy defense minister authorizing a payment of \$400,000 from the U.S. Department of Defense in exchange for the missiles, and he called on the military high command and the defense minister to produce a complete report on the transfer. The report acknowledged that the transfer had not received authorization from above and did not conform to rules of procedure.

Rodríguez then issued a diplomatic protest of the U.S. military mission's participation in the transfer, accepted the defense minister's resignation, dismissed the commander of the army and authorized disciplinary action against officers involved in the operation.

By this time, the scheduled elections had been held, and Rodríguez also briefed President-elect Morales. Days before his inauguration, Morales declared that he had been fully informed on the missile transfer case, and that Rodríguez "had been lied to."

Yet, after his inauguration, Morales immediately charged Rodríguez with treason. Bolivia's minister of the presidency, Juan Ramón Quintana, dismissed Rodríguez's protestations against the manner in which the transfer was handled as irrelevant given the degradation to which Washington has submitted Bolivia for many years. Despite his considerable courtroom experience, Rodríguez was unprepared to present a legal defense for the litany of historical sins committed by the United States against his country.

Rodríguez is honorable

The charges against Rodríguez reap political dividends both for their anti-imperialist appeal and by discrediting Bolivia's foremost adherent of the rule of law. They also open the way for Morales to stack the judiciary with his political supporters.

Bolivia is currently witnessing history, as Morales endeavors to break radically with the past on many fronts. We should hope that, amid the tumult, the country does not also witness a severe miscarriage of justice against an honorable individual -- an act that would undermine the fragile democratic institutions President Morales claims to want to fortify.

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