

**United Nations Human Rights Council  
28th Regular Session, 2 to 27 March 2015  
Item 6, Universal Period Review outcome  
of the Plurinational State of Bolivia**

Delivered by  
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**INDEPENDENCE OF THE JUDICIARY IN THE PLURINATIONAL STATE OF BOLIVIA**

18 March 2015

Mr President,

The Colombian Commission of Jurists in affiliation with the International Commission of Jurists note that the Plurinational State of Bolivia accepted numerous recommendations on judicial independence, including to “guarantee the full independence of the judiciary system, in accordance with...international standards.”

This is difficult to reconcile with the disciplinary and criminal proceedings brought by the Legislative Assembly against three judges of the Constitutional Court at the end of last year. The proceedings were based solely on the disagreement of the political branches with an interim order issued by the Court in a case challenging the constitutionality of a new law to regulate notaries.

In the so-called “trial” conducted by the Legislative Assembly in December, Assembly Members’ statements demonstrated a manifest lack of impartiality. The Assembly extensively and arbitrarily limited the rights of the judges to present evidence and witnesses in their defence.

In the result, one judge was arbitrarily removed from office in January, and another resigned under the pressure. The Assembly also referred both of these women for criminal prosecution. Proceedings against a third judge were suspended only for health reasons.<sup>1</sup>

The Government has announced it will seek radical reform of the judicial system during 2015. In light of recent events, we ask:

- How will Bolivia ensure that reforms are consistent with universal and regional standards on the role and independence of the judiciary?
- What role will Bolivian and international civil society and legal experts have in developing the reforms?
- Will reforms ensure a judicial selection procedure that is based on objective criteria and truly independent of the executive and legislative branches of government?
- Will consideration be given to transferring responsibility for discipline and removal procedures to a new independent and impartial body, with real guarantees of fairness, and clearly defined grounds for removal that exclude disagreement with rulings?

Thank you, Mr President.

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<sup>1</sup> For further information see <http://www.icj.org/bolivia-icj-condemns-removal-and-forced-resignation-of-constitutional-court-judges-by-legislative-assembly/> (8 Jan 2015)