

**E/NL.1988/25 LAW NO. 1008 OF 19 JULY 1988 ON THE REGIME APPLICABLE
TO COCA AND CONTROLLED SUBSTANCES**

Whereas the National Congress has ratified the following Law:

THE NATIONAL CONGRESS

DECREES:

TITLE I THE REGIME APPLICABLE TO COCA

Chapter I General rules, nature and definitions

Article 1

. Coca, which belongs to the genus erythroxyton, is a natural subtropical product of the Departments of La Paz and Cochabamba. It grows wild and is also cultivated, and dates back to the pre-Columbian period of Bolivian history.

Article 2.

Coca-growing is an agricultural and cultural activity that has been traditionally oriented in a legitimate manner towards consumption and to use in medicine and in rituals of the Andean peoples.

Article 3.

For legal purposes, an essential difference is made between coca in its natural state, which does not produce harmful effects on human health, and coca " iter criminis", that is to say, the leaf in the process of chemical transformation, isolating the alkaloid cocaine, which produces harmful psychological, physiological and biological effects on human health.

Article 4.

Legal consumption and use of the coca leaf are understood to mean the social and cultural practices of the Bolivian people in traditional forms, such as acullicu and chewing and medicinal and ritual uses.

Article 5.

Other forms of legal use of the coca leaf that do not harm health or lead to any type of drug dependence or addiction, as well as industrial processing for legal use, shall be subject to special regulation.

Article 6.

The production of coca leaf that covers demand for the uses and consumption referred to in articles 4 and 5 is defined as necessary production. That which exceeds such needs is defined as excess production.

Article 7.

Illicit uses are defined as all those that are aimed at making base, sulphate or cocaine hydrochloride, other uses by which the alkaloid is

extracted for the manufacture of any type of controlled substance, and contraband activity and illicit coca traffic contrary to the provisions established by the present Law.
Article 8.

For the purposes of the present Law, three coca production zones in the country are defined and delimited:

- (a) The traditional production zone;
 - (b) The transitional excess production zone; and
 - (c) The illegal production zone.
- Article 9.

The traditional coca production zone is that in which coca has been cultivated as the result of historical, social and agro-ecological conditions and has served for the traditional uses defined in article 4. In this zone, only the volume needed to meet demand for the legal uses and consumption determined in articles 4 and 5 shall be produced. This zone shall comprise the small-farm coca production areas currently existing in the subtropical parts of the Provinces of North and South Yungas, Murillo, Muñecas, Franz Tamayo and Inquisivi in La Paz Department, and the Yungas of Vandiola, which include part of the Provinces of Tiraque and Carrasco in Cochabamba Department.
Article 10.

The transitional excess production zone is that in which coca cultivation is the result of a process of spontaneous or directed settlement, by which the expansion of excess cultivation accompanying the growth of demand for illicit uses was supported. This zone is the subject of annual plans for reduction, substitution and development, through the implementation of an Integrated Development and Substitution Programme (PIDYS), beginning with an annual reduction of 5,000 hectares and moving towards a target of 8,000 hectares annually. The achievement of these targets will depend on the availability of national budget resources, as well as on sufficient commitments and disbursements from bilateral and multilateral technical and financial co-operation, which should be directed towards alternative development.

This zone comprises the Provinces of Saavedra, Larecaja and Loayza, the settlement areas of the Yungas in La Paz Department, and the Provinces of Chapare, Carrasco, Tiraque and Arani in Cochabamba Department.
Article 11.

The zone of illicit coca production is made up of those areas in which the cultivation of coca is prohibited. It comprises the entire territory of the Republic, except the zones defined in articles 9 and 10 of the present Law. Existing plantations in this zone shall be subject to compulsory eradication without any type of compensation.
Article 12.

The legal small producer of coca is defined as a farmer in zones (a) and (b) defined in article 8 who works his own plot of land and personally produces from it for his own subsistence and one of whose principal characteristics is that he obtains his income chiefly from coca-growing. Coca cultivation is prohibited on land subject to a rental contract or to any other contract of lease or use.

Article 13.

Substitution for coca cultivation is understood to mean the process by which the economic and social dynamic arising from the capital involved in illicit traffic in coca production is changed by promoting the

adoption of new, legal, alternative production and social patterns which ensure a sufficient income for the subsistence of the family unit.

Article 14.

Voluntary reduction is understood to mean the process by which the growers freely define and reduce the excess volume of coca production, in the framework of the Integrated Development and Substitution Plan or Programme (PIDYS).

Chapter II The production, circulation and marketing of coca

Article 15.

The production, circulation and marketing of coca are subject to State control, through the appropriate agency of the Executive, and shall be the subject of special regulations within the legal framework of the present Law.

Article 16.

The coca producers in zones (a) and (b) defined in article 8 shall be subject to registration as specified by the Regulation issued pursuant to the present Law.

No producer shall receive a licence to increase his crops.

Article 17.

For the purposes of monitoring and registration of the land for coca cultivation in zones (a) and (b) defined in article 8, a land survey shall be made. Land in respect of which the official registration requirement is not met shall be considered as illicit for the purposes of the present Law.

Article 18.

The production, reduction, substitution and eradication of coca crops must take into account the conservation of the ecological system and must comply with regulations governing farming and forestry. In reduction measures it must be guaranteed that the methods used do not produce effects harmful to the environment or to people, whether in the short, medium or long term. In the reduction or eradication of coca crops, only manual and mechanical methods shall be used; the use of chemical means, herbicides, biological agents, and defoliants is prohibited.

Article 19.

It is the responsibility of the Executive to determine the origin and intended use of coca production, as well as to define the routes and transport facilities to be used for carrying it to legal consumption markets. To that end, the Executive shall establish a system of permits and monitoring, both for producers and for transporters and merchants. Any violation of the present provision shall render the coca illicit and subject to the penalties established in the present Law.

Article 20.

The Executive shall define the precise characteristics and modalities for operation of the legal markets, as well as those of both wholesale and retail marketing that will ensure legal use of coca production.

Chapter III Alternative development and substitution for coca crops

Article 21.

Alternative development and substitution for coca crops shall be aimed principally at benefiting the small coca producer in zones (a) and (b) defined in article 8. This process shall be accomplished by means of a change in patterns of agricultural production, credit assistance, the development of agro-industry and the strengthening of the marketing systems and the territorial integration of the affected regions. This process shall be planned by the Executive, in co-ordination with the coca producers, with the object of reducing the volume of excess production.

Article 22.

All substitution for coca cultivation shall be planned in a gradual and progressive manner, simultaneously with the implementation of the programmes and plans for sustained socio-economic development to be implemented in production zones (a) and (b) defined in article 8.

These plans must include the search for and acquisition of internal and external markets for alternative products.

Article 23.

A National Fund for Alternative Development is created in order to finance the plans and programmes for alternative development and substitution for coca crops, on the basis of funds from the national budget as well as from bilateral and multilateral financial co-operation. The establishment and functioning of this Fund shall be regulated by the Executive.

Article 24.

In order to implement the crop substitution policy, the Executive must consider the Integrated Development and Substitution Plan (PIDYS) as the institutional framework that is to serve as the basis for establishing the conditions for, and the timing of, voluntary reduction, the amount of fair compensation, and the policy measures which will respond to the new development options generated for production zones (a) and (b) defined in article 8.

Article 25.

Excess production in zones (a) and (b) defined in article 8 shall be subject to reduction and substitution, for which the State shall pay coca producers fair and simultaneous compensation. It shall also give them financial facilities and necessary technical aid, within the framework of the Integrated Development and Substitution Plan (PIDYS).
Article 26.

Coca crops substituted for in implementation of the Integrated Development and Substitution Plan may not be re-established. In the event of re-establishment, they shall be considered illegal.

Article 27.

In order to implement the Integrated Development and Substitution Plan for coca crops, the Executive shall apply to the international community to obtain sufficient bilateral and multilateral technical and financial assistance, in the framework of joint responsibility and without the imposition of conditions.

Article 28.

With regard to projects, functions and investment in the context of alternative development, the Ministry of Finance shall annually budget the funds necessary for the achievement of the relevant objectives and targets.

Article 29.

The Executive shall periodically determine the quantity of coca that is necessary to cover the demand for traditional consumption and for the uses defined in article 5, which may not exceed the production equivalent to an area of 12,000 hectares of coca cultivation, on the basis of yield in the traditional zone.

Article 30.

The plans and programmes for alternative development shall also include activities in the areas of origin of the migrant population and of the forest population that are affected in the principal coca production zones, which form part of the economic and social dynamic of the population involved in excess coca production. These activities should be directed towards consolidating microregional and regional development and ensuring the inter-institutional presence of the State.

Article 31.

In the transitional excess production zone and in the rest of the country, the planting of new coca crops and the expansion of existing crops is prohibited. The activation of existing coca plantations in the traditional production area shall be carried out subject to the authorization and under the supervision of the Executive and using plants produced by State nurseries. All plant beds cultivated outside the traditional zone, as well as possession thereof by private individuals, shall be considered illegal.

TITLE II CONTROLLED SUBSTANCES

Chapter I Terminology

Article 32.

Legal significance: The terminology used in the present Law shall have its current meaning, but if it has been expressly defined in the text, that definition must be applied.
Article 33.

For the purposes of the present Law, the terms listed below shall have the following meanings:

(a) Controlled substances:

Dangerous or controlled substances are taken to mean natural or synthetic drugs that are listed in schedules I, II, III, IV and V of the annex to the present Law and those that may in future appear in the official schedules of the Ministry of Public Health;

(b) Drug:

The expression "drug" means any substance capable of altering physical, psychic, physiological and/or biological structures or functions, whether or not causing dependence and/or tolerance;

(c) Tolerance:

This is the property as the result of which, in order to induce or obtain the same effect, it is necessary to increase the dose used;

(d) Physical dependence:

This is the state of adaptation to the drug, which, when administration thereof is interrupted, causes physical and/or somatic disorders;

(e) Psychic dependence:

This is the state in which a drug produces a sensation of satisfaction and a psychic impulse to take the drug periodically or

constantly owing to the pleasure that it gives or in order to avoid malaise;

(f) Chemical dependence or drug dependence:

This is the psychic and/or physical state resulting from the interaction between a human being and a natural or synthetic drug, the characteristics of which are alterations in behaviour and other reactions caused by the need and impulse to ingest the natural or synthetic drug, periodically or constantly, with the object of again experiencing its effects and sometimes to avoid the malaise produced by withdrawal of the drug;

(g) Immediate precursor:

The expression "immediate precursor" means the raw material or any other unprocessed or semi-processed substance, or substance that is to be or has already been processed, that serves for the preparation of controlled substances;

(h) Administration:

The expression "administration" means the direct application of a controlled substance to an individual, whether by injection, inhalation, ingestion or any other means;

(i) Delivery or supply:

The expression "delivery or supply" means the transfer or provision between persons of a controlled substance without legal justification therefor;

(j) Illicit prescription or dispensing:

Illicit prescription or dispensing means ordering, prescribing or making available controlled substances that are not necessary or in larger than indispensable doses by members of the medical professions (doctors, dentists, veterinarians, pharmacists and others);

(k) Production of vegetable raw material:

The expression "production" means the sowing, planting, cultivation, harvesting and/or gathering of seed or plant materials that contain controlled substances;

(l) Manufacture:

The expression "manufacture" means any process for extraction, preparation, elaboration, manufacture, compounding, refining, processing or conversion that makes it possible to obtain controlled substances by any means, either direct or indirect;

(m) Possession:

The expression "possession" means the illicit holding of controlled substances, raw materials or seeds of plants from which controlled substances can be extracted;

(n) Illicit traffic:

"Illicit traffic" in controlled substances means any action directed towards or arising out of producing and manufacturing, illegally possessing, holding in storage, transporting, supplying and delivering controlled substances, buying, selling and giving them away, smuggling them into and out of the country and/or carrying out [ated] transactions on any basis, as well as the financing of activities contrary to the provisions of the present Law or of other legal regulations;

(o) Consumption:

The expression "consumption" means the sporadic, periodic, habitual or constant use of controlled substances listed in schedules I, II, III and IV;

(p) Rehabilitation of the consumer:

The expression "rehabilitation" means the bio-psycho-social readjustment of the consumer to, or his reintegration in, the normal activity of society

(q) Control:

The expression "control" means the action of the public authorities that is intended to control dangerous or controlled substances in all of its phases;

(r) Prohibition:

This expression means prohibition of and action to prevent and suppress illicit traffic in controlled substances.

Chapter II Prohibition and control

Article 34.

Prohibition of the production and conservation of plants and seeds: The production or conservation of plants and seeds referred to in article 33 (k) of this Law are prohibited throughout the entire territory of the Republic. The Regime applicable to coca is subject to the provisions of title I.

Article 35.

Prohibition of possession or storage: No natural or juridical person may have or possess in any form or quantity, or in any place, drugs that contain or consist of controlled substances, without prior authorization from the Ministry of Social Welfare and Public Health, in consultation with the National Council Against Drug Abuse and Illicit Traffic.

Article 36.

Import and marketing: The chemical substances enumerated in schedule V of the annex and those that may later be added to that schedule by resolution of the Ministry of Social Welfare and Public Health and products and medicaments that consist of or contain controlled substances may be imported and/or marketed only under a licence from that Ministry, after a favourable report by the National Council Against Drug Abuse and Illicit Traffic.

Article 37.

Traffic and consumption: The traffic, portioning and consumption of controlled substances listed in the schedules of the annex to the present Law are prohibited.

Article 38.

Authorization: The Ministry of Social Welfare and Public Health may authorize the import and/or limited purchase of controlled substances listed in schedule I for the purpose of research by scientific, university and State institutions, as well as by laboratories and chemical-pharmaceutical factories, which must inform the Ministry of Social Welfare and Public Health periodically regarding the form of utilization, the quantities used and/or the results of studies. Similar authorization shall be required for the export of controlled substances for legal purposes.

Article 39.

Manufacture, portioning and sale: Chemical-pharmaceutical factories and laboratories may manufacture and/or portion medicaments that contain controlled substances listed in schedules II, III and IV of the annex after being so licensed by the Ministry of Social Welfare and Public Health and must make known the quantity, composition and nature of their products. These shall be sold to the public only in authorized pharmacies and

establishments and only against medical prescriptions made out on forms issued by the Ministry of Social Welfare and Public Health.
Article 40.

Import and export returns: District customs offices shall send to the Ministry of Social Welfare and Public Health and to the National Council Against Drug Abuse and Illicit Traffic copies of import and export

documents for products or raw materials that contain controlled substances within 48 hours of their issuance, on the responsibility of the district administrator.
Article 41.

Obligations of carriers: Public and private air, land, sea, lake and river transport enterprises, as well as individual carriers, must request authorization from the Ministry of Social Welfare and Public Health and from the National Council Against Drug Abuse and Illicit Traffic for the loading and transport of controlled substances and/or medicaments that contain them, and must report on these activities monthly.
Article 42.

Registration of inputs: Industrial laboratories, chemical and pharmaceutical enterprises, importers and manufacturers must register with the National Council Against Drug Abuse and Illicit Traffic and must inform it monthly of the amount of controlled substance inputs utilized.
Article 43.

Foreign exchange and letters of credit: For the sale of foreign exchange or the opening of letters of credit related to the import of medicaments and raw materials that contain or consist of controlled substances, the Central Bank of Bolivia and all other banks must demand, registration certificates from the applicant and authorizations issued by the Ministry of Social Welfare and Public Health in consultation with the National Council Against Drug Abuse and Illicit Traffic.
Article 44.

Regulation of national production of precursors: National production of the controlled substances listed in schedule V of the annex, as well as supervision and control thereof and marketing, shall be regulated by the Ministries of Social Welfare and Public Health, Energy and Hydrocarbons, and Industry and Commerce, which shall inform the National Council Against Drug Abuse and Illicit Traffic.
Article 45.

Prohibition applying to consuls and customs agents: Consuls and customs agents of Bolivia abroad are prohibited from issuing commercial invoices for control purposes and from legalizing cargo manifests for the import of controlled substances indicated in the previous article without prior presentation of the licence document issued pursuant to articles 36 and 43 of the present Law.

Consuls and customs agents shall submit monthly to the National Council Against Drug Abuse and Illicit Traffic, through the Ministry of Foreign Affairs, detailed reports on the commercial invoices issued for the import of controlled substances.

TITLE III OFFENCES AND PENALTIES

Article 46.

Controlled plants: Any person who illicitly sows, harvests, cultivates or gathers plants or parts of plants listed in article 33 (a) shall be punished with imprisonment for a term of one to two years, or two to four years if the offence is repeated, plus a fine at two hundred and fifty to five hundred times the daily rate.

Article 47.

Manufacture: Any person who illegally manufactures controlled substances shall be punished with imprisonment for a term of five to fifteen years plus a fine at two thousand five hundred to seven thousand five hundred times the daily rate.

Any person who engages in the process of macerating coca known as pisa-coca shall be punished with imprisonment for a term of one to two years plus a fine at two hundred to five hundred times the daily rate, unless he collaborates in the search for and the capture of his principals.

Article 48.

Traffic: Any person who engages in traffic in controlled substances shall be punished with imprisonment for a term of ten to twenty-five years plus a fine at ten thousand to twenty thousand times the daily rate.

Large-volume traffic in controlled substances constitutes an aggravating circumstance.

This article covers all conduct included under the definition of traffic given in article 33 (n) of this Law.

Article 49.

Consumption and possession for consumption: Drug-dependent persons or non-habitual consumers apprehended in the possession of controlled substances in minimal quantities that are presumed to be intended for their own immediate personal consumption shall be detained in a public or private institution for drug-dependence to receive treatment until such time as certainty regarding their rehabilitation has been established.

The minimum quantity for immediate personal consumption shall be determined through a ruling by two experts from a public institution for drug-dependence. If the quantity held is greater than the minimum quantity, it shall fall under the provisions of article 48 of this Law.

Foreign citizens without permanent residence in the country who commit such offences shall be subject to the law on residence and shall be fined at five hundred to one thousand times the daily rate.

Article 50.

Administration: Any person who illicitly administers controlled substances to other persons shall be punished with imprisonment for a term of ten to fifteen years plus a fine at one thousand five hundred to three thousand times the daily rate, whatever the quantity administered.

Article 51.

Supply: Any person who illicitly supplies controlled substances to others shall be punished with imprisonment for a term of eight to twelve years plus a fine at one thousand to two thousand times the daily rate, whatever the quantity supplied.

Article 52.

Aggravating circumstances: If serious damage to health should result from the illicit administration or supply of controlled substances, the penalty shall be imprisonment for a term of fifteen to twenty years plus a fine at one thousand to three thousand times the daily rate.

If the act should result in the death of the person, the penalty shall be imprisonment for a term of twenty to thirty years.

Article 53.

Criminal association and conspiracy: Penalties shall be increased by one third for those who organize themselves in groups of two or more persons to commit offences defined in this Law.

Article 54.

Inducement: Any person who induces another to make illicit use of controlled substances shall be punished with imprisonment for a term of five to ten years plus a fine at two thousand to four thousand times the daily rate.

If the guilty party uses his position as an ascendant relative or person in authority over another or if the victim is a minor or is [ally] incapable, or if the offence is committed in an educational, assistance-type, military, police or penitentiary establishment, or in the immediate vicinity thereof, the penalty shall be imprisonment for a term of ten to twenty years plus a fine at four thousand to eight thousand times the daily rate.

Article 55.

Transport: Any person who illicitly and knowingly carries or transports any controlled substance shall be punished with imprisonment for a term of eight to twelve years plus a fine at one thousand to one thousand five hundred times the daily rate, and permanent confiscation of his motorized or other transport equipment.

Article 56.

Instigation: Any person who instigates or incites others to commit any of the offences defined in the present title shall be punished with imprisonment for a term of four to six

years plus a fine at two thousand to four thousand times the daily rate. If the person so instigated is a minor or legally incapable, the penalty shall be imprisonment for a term of five to ten years plus a fine at two thousand to four thousand times the daily rate.

Article 57.

Murder: The use of a controlled substance to carry out intentional homicide shall be [sidered as] equivalent to the use of poison, which constitutes murder under article 17 of the Political Constitution and article 252 (5) of the Penal Code.

Article 58.

Falsification: Any person who alters or forges a medical prescription in order to obtain a controlled substance shall be punished with imprisonment for a term of three to five years plus a fine at two hundred to four hundred times the daily rate.

Any person who alters or forges licences, import or other permits, invoices, bills of lading or other types of documents in order to bring controlled substances into the country shall be punished with imprisonment for a term of eight to fifteen years plus a fine at three thousand to six thousand times the daily rate.

Article 59.

Import: Any importer of controlled substances who fails to comply with the requirements of the present Law shall be liable to suspension of his import licence for a term of 12 months plus a fine at ten thousand times the daily rate. In the event of a repeated offence, the import licence shall be cancelled definitively and the importer's legal agent responsible shall be liable to the penalties established in article 48.

Article 60.

Owner's obligation to notify: Any owner who is aware that controlled plants or parts thereof defined in the present Law are being sown,

cultivated, harvested or gathered, or that controlled substances are being produced or elaborated, on his property or land, and who fails to report these facts to the competent authorities shall be punished with imprisonment for a term of three to five years and to confiscation or forfeiture of his property.

Article 61.

Concealment in public premises: Any owner, manager, administrator or concessionaire of a hotel, motel, restaurant, confectionery shop, club, bar, place of entertainment, brothel, house of assignation, hospital, clinic or other establishment open to the public must inform the competent authorities of the presence of traffickers or persons who possess or consume controlled substances, subject to a penalty of imprisonment for a term of one to two years plus a fine at five hundred to one thousand five hundred times the daily rate. If it is proved that permission was given or that there was concealment or complicity, the penalty shall be imprisonment for a term of two to six years plus a fine at two thousand to four thousand times the daily rate.

Article 62.

Obligations of members of the professions: Any member of the medical and other professions in the exercise of which he is empowered to issue prescriptions for controlled substances and who does so without completing the formalities provided for by law shall be liable to a penalty under the Health Code plus a fine at two thousand to four thousand times the daily rate. In the event of repeated offence, he shall be punished with permanent disqualification from practising his profession and imprisonment for a term of two to five years.

Article 63.

Sale in pharmacies: Any owner, manager or employee of a drugstore, pharmacy or place of business authorized to sell medicaments who dispenses controlled substances without completing the formalities provided for by law shall be punished as follows:

An owner, with closure of his establishment for a period of six months plus a fine at two thousand to four thousand times the daily rate. Furthermore, with one year's prohibition from practising his profession, if he is a member of a profession;

A manager, with one year's prohibition from practising his profession plus a fine at one thousand to two thousand times the daily rate;

An employee or assistant, if responsible, with a fine at five hundred to one thousand times the daily rate.

In the event of repeated or habitual offence, the penalties shall be as follows:

An owner with professional training: Cancellation of his licence and permanent disqualification from practising his profession, permanent closure of the establishment and imprisonment for a term of two to five years;

An owner without professional training: Imprisonment for a term of two to five years and permanent closure of the establishment;

A manager: Imprisonment for a term of two to five years and permanent disqualification from practising his profession;

An employee or assistant, imprisonment for a term of two to five years.

Article 64.

Inventories and registers: Any person responsible for an import firm, drugstore, pharmacy or establishment authorized to sell or supply medicaments that contain controlled substances whose stocks do not correspond to inventories and registers shall be liable to a fine at two thousand to four thousand times the daily rate and to confiscation of the merchandise.

In the event of repeated offence or habitual offence, the penalty imposed shall be imprisonment for a term of two to four years and the final closure of the establishment.
Article 65.

Public officials: When any senior officer, official or public employee commits a drug-traffic offence defined in this Law or is involved in such an offence through the activities of his subordinate officials or employees, or takes advantage of their services, the penalty shall be increased by one third, in addition to permanent disqualification from holding public office.
Article 66.

Passive complicity: Any public official or employee or senior officer who directly or indirectly accepts rewards for himself or others, or who accepts offers or promises intended to induce him to take or fail to take action under the provisions of the present Law shall be punished with imprisonment for a term of eight to twelve years plus a fine at two thousand to five thousand times the daily rate.

The penalty shall be imprisonment for a term of twelve to twenty years plus a fine at three thousand to six thousand times the daily rate in the case of a judge, magistrate, representative of the public prosecutor's office, or member of an agency responsible for suppressing drug-traffic. In all cases referred to in this article, permanent disqualification shall be imposed.
Article 67.

Active complicity: Any person who is proved to have directly or indirectly made or offered gifts or rewards of any type - even if not accepted - to any public official, public employee or senior officer for himself or a third party, with the aim of inducing the official to take or fail to take action in implementation of the present Law, shall be punished with imprisonment for a term of four to eight years plus a fine at one thousand to two thousand times the daily rate.

If the gift or reward should happen to be made or offered to a judge, magistrate, representative of the public prosecutor's office or member of an agency responsible for the repression or prevention of drug traffic, the penalty shall be imprisonment for a term of eight to twelve years plus a fine at three thousand to six thousand times the daily rate.
Article 68.

Extortion: Any public official, employee or senior officer who takes advantage of his position or uses threats to obtain illicit benefits in relation with traffic in controlled substances shall be punished with imprisonment for a term of eight to twelve years plus a fine at two thousand to four thousand times the daily rate.
Article 69.

Impersonation: When the acts referred to in the previous article are committed by an individual pretending to be a public employee or official or senior officer, the penalty

shall be imprisonment for a term of ten to fifteen years plus a fine at three thousand to six thousand times the daily rate.

Article 70.

Alteration or substitution of the corpus delicti. Any person who orders the alteration of or alters, qualitatively or quantitatively, the corpus delicti or replaces the corpus delicti or any confiscated or seized material evidence of an offence shall be punished with imprisonment for a term of ten to fifteen years plus a fine at one thousand to two thousand times the daily rate.

Article 71.

Confiscation of goods: In addition to the penalties established in previous articles, the following shall be imposed:

(a) Confiscation by the State of land on which controlled substances are manufactured or on which plants specified and prohibited in the present Law are grown. Government land that has been leased shall revert to the State;

(b) Confiscation by the State, in the name of the National Council Against Drug Abuse and Illicit Traffic, of real property, movables, fixtures, weapons, money and securities, transport and other equipment, raw materials, laboratories and any other objects that have served for the elaboration, processing or manufacture of, traffic in or transport of controlled substances. Aeroplanes, light aircraft, helicopters and flight equipment [ll be turned over] to the Bolivian Air Force, and river and lake craft and navigational equipment to the Bolivian Navy.

Real estate mentioned in clauses (a) and (b) of this article shall be seized from the owner when the owner either took part in the offence or knew that it was committed but failed to report it.

Goods confiscated shall be used primarily in programmes of prevention, education and health, and in setting up rehabilitation centres, independently of those funds intended by law for the construction of penitentiaries.

Article 72.

Escape: Any person who is legally detained for one of the offences defined in this Law and who then escapes shall be punished with imprisonment for a term of two to four years in addition to the principal penalty.

Article 73.

Assisting escape: Any person who directly or indirectly facilitates the escape of any person detained for the commission of one of the offences defined in this Law shall be punished with imprisonment for a term of two to six years plus a fine at one thousand to two thousand times the daily rate. If the individual is a public employee, official or senior

officer responsible for custody or detention, the penalty shall be imprisonment for a term of four to eight years plus a fine at two thousand to four thousand times the daily rate.

If the offence was committed unintentionally, two thirds of the penalties established in this article shall be imposed.

Article 74.

Release: Any public official who makes possible the illegal release of any person detained in relation with an offence provided for under the present Law shall be punished with imprisonment for a term of four to eight years plus a fine at two thousand to four thousand times the daily rate. Hospitalization outside the prison premises of persons on trial for offences listed in the present Law is prohibited.

Article 75.

Concealment: Any person who, after an offence under this Law has been committed and without prior agreement, helps another person to escape justice shall be punished with imprisonment for a term of four to six years plus a fine at one thousand to two thousand times the daily rate.

Penalties shall be waived in the case of ascendant relatives, descendants, the spouse or common-law spouse.

Article 76.

Complicity: Any accomplice in an offence related to controlled substances shall be punished with two thirds of the penalty imposed on the perpetrator of the offence.

Article 77

. Accessories: Any accessory to a controlled substances offence shall be punished with half of the penalty imposed on the principal.[href="#f01">*]

Article 78.

Use of weapons: If any person uses weapons in the commission of an offence defined in this Law, or to resist the authorities, the relevant penalty shall be increased by one half.

If bodily harm is inflicted, the principal penalty shall be increased by two thirds; if death is caused, the penalty for murder shall apply.

Article 79.

Defending the offence: Any person who, in a tendentious, false or sensationalist manner, publicly defends by any means whatsoever an offence or a person on trial or condemned for drug traffic shall be punished with imprisonment for a term of two to five years plus a fine at two thousand to four thousand times the daily rate.

TITLE IV SCOPE OF APPLICATION AND TRIAL

Chapter I General principles

Article 80.

Penal action in respect of the offences defined and punished according to the present Law is a matter of public order and shall be conducted according to the rules established in title V.

Article 81.

Since in cognizance and trial such penal action does not admit of special jurisdiction or privileges of any nature whatsoever, public officials of whatever rank or institution who have committed such offences shall be subject to the action of the present Law in the same way as common defendants, except in the cases limitatively defined in the Political Constitution of the State.

Article 82.

The legal timeframes established are fixed and may not be extended. Persons failing to comply with or observe them are liable to prosecution, in which case it shall be assumed that the offence of concealment defined in and punishable under article 77 of the present Law has been committed.

Chapter II Jurisdiction and competence

Article 83.

To take cognizance of and pass judgment on offences under the present Law, Local Controlled Substances Courts composed of three judges shall be created and incorporated under the Law on the Organization of the Judiciary and shall function as first-instance courts hierarchically subordinate to the Superior District Courts.

Article 84.

Judges of Local Controlled Substances Courts must, for their appointment, meet the same requirements as are stipulated in article 121 of the Law on the Organization of the Judiciary.

Article 85.

The functions of the Local Controlled Substances Courts shall be:

(a) To take cognizance of in plenary proceedings and try as a court of first instance cases related to controlled substances brought to their notice by the Special Force to Combat Drug Traffic, as the agency responsible for carrying out Judicial Police duties that is subordinate to the National Council Against Drug Abuse and Illicit Traffic;

(b) To investigate the finances of natural or juridical persons against whom documentary evidence exists that they have been involved in any drug-traffic offence and/or the laundering of money derived from that offence;

(c) To propose to the Superior District Court a list of three persons to be designated as their subordinates;

(d) In rotation, to head weekly visits to penitentiaries and their annexes, performing, in the specific case of persons detained on controlled substances charges, the functions and tasks assigned to them by the Code of Criminal Procedure.

Article 86.

Proceedings related to controlled substances shall be conducted without the indictment or judicial investigation, on the basis of the Judicial Police reports of the Special Force to Combat Drug Traffic.

Article 87.

Local Controlled Substances Courts shall operate in the departmental capitals; they shall proceed on the basis of national jurisdiction and, owing to the special nature of these offences, shall have full authority to take account of Judicial Police reports.

Article 88.

No controlled substances judge may be removed from the trial of a case except on legal grounds. The Superior District Court shall consider and rule on the grounds [removal] produced within 48 hours. No certified copies shall be made for consultation, since in such cases the original documents must be produced on the same day.

Any challenge can be attempted only on the basis of documentary evidence, and the District Courts must rule before the third day after that on which notification has been made to the judge proceeded against, whether or not a reply has been received from the judge in question. No appeals against such rulings to the Supreme Court of Justice are admissible. Challenge in open court is prohibited.

Article 89.

Judgments of Local Controlled Substances Courts shall be passed by majority decision.

Article 90.

If any judge of a Local Controlled Substances Court cannot attend a hearing at which judgment is to be passed, he shall be replaced by the officiating judge of the Local Criminal Court in the respective capital.

Chapter III Office of the Public Prosecutor

Article 91.

The Office of the Public Prosecutor shall appoint as many Local Prosecutors as are necessary for the purpose of appearing in, following and watching over controlled substances trials in the courts created by this Law.

Article 92.

The duties of the Controlled Substances Prosecutors are as follows:

(a) To direct the activities of the Special Force to Combat Drug Traffic in carrying out Judicial Police duties; to conclude such activities on their own responsibility and to bring

the prisoner, the files, the respective evidence and the application for an initiating order in the action before the Local Controlled Substances Courts;

(b) To support the conclusions reached by the Judicial Police in the plenary hearing, to verify adherence to the legal timeframes for the prompt administration of justice and the correct application of the substantive provisions or laws in the matter. For those purposes they must appear before the court on behalf of and representing the State and society in proceedings entrusted to them, acting as civil parties with regard to damages arising out of the commission of the offences established under the present judicial order;

(c) To report any violation or infringement of the substantive and adjective rules of the present Law that may be committed by officials responsible for its implementation and observance, issuing summonses for the trial of such officials;

(d) To be present at all operations carried out by the Special Force to Combat Drug Traffic;

(e) To formulate in good time the express appeals indicated in this judicial order and to lodge appeals intended to ensure the prompt administration of justice.

TITLE V JUDICIAL POLICE DUTIES, PROCEEDINGS AND JUDGMENT

Chapter I Judicial Police duties

Article 93.

Judicial Police duties in controlled substance cases shall be carried out by the Special Force to Combat Drug Traffic that is subordinate to the National Council Against Drug Abuse and Illicit Traffic, under the direction of the Controlled Substances Prosecutor.
Article 94.

Judicial Police duties shall be entrusted not only to the Controlled Substances Prosecutors but also, in provinces and cantons, to the sub-prefects, rural judges and authorities in general.
Article 95.

If, in controlled substances cases, the Judicial Police has direct knowledge or receives reports of the preparation or perpetration of an offence defined in and punishable under the present Law, it shall proceed to the scene of the crime and shall take the necessary precautions to ensure the presence of the suspects; it may apprehend and hold incommunicado, if appropriate, persons presumed to be guilty. It shall confiscate the controlled substance, the objects, tools, effects and goods related to the commission of

the offence and shall interrogate any person who might give information conducive to appropriate investigation.

Article 96.

Except when persons are apprehended in flagrante delicto, all confiscation of drugs and goods and all arrests shall be carried out in the presence of a Controlled Substances Prosecutor.

Article 97.

Persons detained shall be brought before the Local Controlled Substances Court together with the dossiers within 48 hours; however, that shall not prevent the continuation of Judicial Police work.

Article 98.

Drugs shall be incinerated on the spot or in the same area of jurisdiction within the 24 hours following their confiscation, in the presence of a representative of the Public Prosecutor and an approved Notary Public. A sample of not more than ten grams shall be separated out and deposited in the Central Bank of Bolivia for the purposes provided for in article 133 of the Code of Criminal Procedure.

The approved Notary Public shall prepare a detailed report on such action, which shall be added to the file as documentary evidence.

Article 99.

Records of Judicial Police action must be compiled and must be signed by the prosecutor in charge of the Judicial Police; they shall clearly specify and identify the person or persons implicated, the day, place and circumstances, the confiscation of controlled substances, objects, tools, money, goods, and assets as well as the detention of suspects.

Article 100.

When the records of Judicial Police action are brought to the knowledge of the Local Controlled Substances Courts, they must be accompanied by an application by the prosecutor for the opening of the proceedings, with an

assessment of the facts according to the types of offences defined in this Law and a presentation of the relevant prosecution evidence.

Chapter II Opening of proceedings and conduct of hearings

Article 101.

The Local Controlled Substances Court shall, within 24 hours after having received the records of Judicial Police action with the corresponding application, issue the initiating order, assessing the facts according to its own criteria, even departing from the prosecutor's application in those cases in which it can be inferred from the review of the records that the offence is more serious.

Article 102.

The initiating order shall also comprise:

- (a) The formal detention of the accused person or persons present;
- (b) An order for the arrest of persons absent;
- (c) A preventive record of goods subject to registration in the registers of real rights of the Ministries of Aviation and Transport, the telephone companies or the relevant offices or institutions, of all goods confiscated from the accused or from third persons who are connected with the offence or offences;
- (d) The formal deposit of money, assets, jewellery, shares, securities and the like in a State Bank on the order of the National Council Against Drug Abuse and Illicit Traffic, which shall act as depositary.

Article 103.

With respect to all goods confiscated, except those indicated in article 71 (b), the State, through the National Council Against Drug Abuse and Illicit Traffic, or a specialized body nominated by the State, shall be designated as depositary.

Article 104.

Goods seized from third parties shall be returned and/or restored only in execution of a judgment and subject to the absolute condition that such third parties have proved the legal origin of the goods.

Article 105.

The initiating order shall be referred to the Superior Court of Justice, and that court shall reply by means of an order, stating grounds, within 48 hours after the matter has been brought to its attention, merely on verbal application from the Public Prosecutor.

Article 106.

The initiating order may not be appealed against.

Article 107.

The Court shall take the relevant statements of the defendants within 48 hours after the case file has been returned from the Superior District Court together with the relevant order.

Article 108.

In no circumstances shall interlocutory or prior questions be admitted; only death of the defendant and res judicata are admissible.

Article 109.

Defendants may not be provisionally set at liberty in controlled substances cases.

Article 110.

Once the accused has made his statement, the judge must expressly advise him that he has a period of three days to present evidence in his defence.

Article 111.

The Public Prosecutor, as representative of the State and society, and in fulfilment of the obligation assigned to him by article 96 (a), shall present his evidence at the time of application for opening the case.

Article 112.

For the purpose of summonses and notifications of the accused, the secretariat of the Court shall be established as legal domicile.

Article 113.

When an accused person is not present or is a fugitive from justice, a statement by the investigating officer of the Local Controlled Substances Court shall suffice for a declaration of default and contumacy, without any other formality, and with the consequences referred to in article 253 of the Code of Criminal Procedure.

Article 114.

Notification and the declaration of default shall be validly made by public announcement in any periodical, on the radio and/or State television, without prejudice to the subpoena that must be issued in the Secretariat of the Court.

Article 115.

The voluntary appearance of the accused or his appearance through execution of the formal detention order shall not alter judicial time-frames or orders, and the accused must make his defence in the state in which he is.

Article 116.

When the statements have been made and the public nature of the trial is assured, the officiating judge shall announce the opening hearing of the proceedings pursuant to the provisions of article 234 of the Code of Criminal Procedure. When that procedural action has been taken, the proceedings shall take place continuously in successive hearings up to their conclusion within the space of 20 calendar days. The records of Judicial Police action shall constitute documentary evidence.

Article 117.

On expiry of the period of proceedings or when presentation of the evidence has been completed, the judge shall declare open the period for final pleas, granting the parties periods of three days to formulate their respective final pleas. That period shall be a single common period for all the accused and shall be computed from the day following notification of the requirement to make final pleas.

Chapter III Judgments

Article 118.

The judgment of the court of first instance shall be pronounced within ten days of expiry of the period for final pleas, whether or not the arguments of the parties have been presented.

Article 119.

The judgment must determine, in addition to the requirements called for by article 242 of the Code of Criminal Procedure:

(a) The situation with regard to the goods, assets and shares confiscated both from the accused and from third persons, ordering their sale by public

auction, except in cases in which the State assigns them to be used for a social purpose;

(b) The damages due to the State and society, ordering payment to the judicial treasury;

(c) The proceeds of the penalty in the form of [tuples of] the daily rate shall be deposited in a special account with a State Bank, to be used for the establishment and operation of rehabilitation institutes and farms.

Article 120.

Utilization of proceeds of auctions: The proceeds of auctions and the cash confiscated shall be remitted to the National Council Against Drug Abuse and Illicit Traffic, in accordance with article 71 (b).

Article 121.

Legal remedies: Judgments must be reviewed by the Superior Court, without prejudice to appeal. Orders in hearing must be reviewed by the Supreme Court, without prejudice to appeal by the parties.

The Public Prosecutor must appeal for annulment in all cases in which the judgment or order in hearing is one of acquittal or declaration of innocence or in which the penalty imposed is less than that for which he has applied, subject to liability on grounds of dereliction of duty.

Article 122.

First-instance judgments may be appealed against within a final and non-extendible time-limit of three days.

Article 123.

Time-limit for dealing with reviews and appeals: In appeals and referral of judgments to the Superior District Court, the District Prosecutor shall have nine working days to present his application. The total process may not take more than twenty-one working days from the time of the application, subject to penalties for impeding the course of justice.

In appeals for annulment or review addressed to the Supreme Court of Justice of the Nation, the Prosecutor General of the Republic shall have eight working days to present his case, and the Penal Division of the Supreme Court shall have fifteen working days to hand down a Supreme Court Order.

The above time-limits shall be computed from the time at which the file reaches the office of the Public Prosecutor or the chambers of the competent division of the Court. The time-limits specified in the present article are compulsory and final. Persons failing to observe them shall be liable to penalty for impeding the course of justice.
Article 124.

Appeals to annul or set aside orders in hearing made by the Superior District Courts may be lodged within a final limit of ten days.
Article 125.

Detention in hospital: Only in cases of medical emergency may the Court trying the case order that a prisoner on trial be detained in a public hospital or clinic for the duration of the treatment, and always provided that the following requirements are met:

1. A medical certificate specifying the diagnosis, prognosis and medical treatment to be administered, which must be issued by a specialist doctor registered with the National Council Against Drug Abuse and Illicit Traffic. The doctor shall be responsible for determining the degree of urgency

of surgical intervention, subject to the penalty provided for in article 201 of the Penal Code;

2. A certificate from the duty forensic surgeon, who shall countersign the certificate issued by the specialist;

3. Guarding for 24 hours a day on the responsibility of the director of the penitentiary;

4. A statement by the director of the public hospital or clinic that the prisoner on trial has been hospitalized and that the operation or treatment is necessary.

The director of the public hospital or clinic shall prepare this statement without delay, failing which he shall be liable to penalty for the offence of aiding and abetting escape under this Law, should that eventuality arise.

Article 126.

Prescription of action and penalties: The term for action to bring to trial offences defined in this Law shall be limited to twenty years, computed from the day of commission of the offence.

Penalties for such offences shall be barred by limitation after twenty years, computed from the date of the judgment or of escape from prison.

Chapter IV General conduct of trials
Article 127.

Suspension for failure to meet procedural deadlines:

(a) Justices of the Supreme Court of Justice who do not comply with the procedural provisions of this Law shall be tried by the legislative authority, in conformity with the rules established by the Law on