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**Bolivia: Organic Law of the Public Prosecutor's Office, July 11,  
2012**

LAW OF JULY 11, 2012 EVO

MORALES AYMA

CONSTITUTIONAL PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA

Whereas, the Plurinational Legislative Assembly has enacted the following Law:

*Title I General provisions*

THE PLURINATIONAL LEGISLATIVE ASSEMBLY,

DECREES:

**ORGANIC LAW OF THE PUBLIC PROSECUTOR'S OFFICE**

**Title I General  
Provisions**

**Chapter One**

**Purpose, legal nature, exercise, purpose, and principles**

**Article 1.- (Purpose)** The purpose of this Law is to regulate the organization, powers, and functioning of the Public Prosecutor's Office.

**Article 2.- (Legal nature)** The Public Prosecutor's Office is a constitutional institution that represents society before the courts to ensure respect for constitutional rights and guarantees.

**Article 3.- (Purpose)** Its purpose is to defend the legality and general interests of society, to bring public criminal proceedings and to take other actions, within the framework established by the [Political Constitution of the State](#), international treaties and conventions on human rights, and the laws. It has functional, administrative, and financial autonomy.

**Article 4.- (Exercise)**

- I. The functions of the Public Prosecutor's Office shall be exercised hierarchically by the Attorney General, Departmental Prosecutors, Senior Prosecutors, Specialized Prosecutors, and other Prosecutors appointed in the manner determined by this Law.
- II. The Public Prosecutor's Office shall exercise its functions uninterruptedly 24 hours a day, including Sundays and holidays.
- III. The Office of the Attorney General of the Plurinational State shall have its headquarters in the city of Sucre.

**Article 5.- (Principles)** The Public Prosecutor's Office, in the exercise of its functions and powers, shall be governed by the following principles:

1.   **Legality**

It shall prosecute criminal conduct and shall be subject to the provisions of the Political Constitution of the State, international treaties and agreements in force, and the laws. The actions of the Public Prosecutor's Office are subject to the Political Constitution of the State, international treaties and agreements in force, and the laws.

By which it shall seek, as a priority, the resolution of criminal conflicts, dispensing with criminal prosecution, when legally permitted and when there is no serious harm to the interests of society, through the application of alternatives to oral trial.
2.   **Timeliness**

Therefore, it shall take into account the circumstances that demonstrate the criminal responsibility of the accused, as well as those that serve to reduce or exempt them, when applying alternatives to oral trial.
3.   **Objectivity**

The employees of the Public Prosecutor's Office shall be responsible for their actions in the exercise of their duties, in accordance with the Political Constitution of the State and the laws.
4.   **Responsibility**
5.   **Autonomy**

In the exercise of their duties, they are not subject to other State bodies.
6.   **unity and hierarchy.**

It is unique and indivisible throughout the territory of the Plurinational State and exercises its functions through the prosecutors who represent it in its entirety, with unity of performance. In order to fulfill its functions, it is organized hierarchically, with each hierarchical superior controlling the performance of those who assist them and being responsible for the management of the civil servants under their charge, without prejudice to the responsibility that corresponds to each civil servant for their own actions.
7.   **Speed**

The Public Prosecutor's Office shall perform its duties promptly, in a timely manner, and without delay.
8.   **Transparency**

The Public Prosecutor's Office shall provide investigative information to the parties involved in the criminal proceedings, in addition to applying the current rules on transparency.

## **Chapter Two**

### **Common rules for the exercise of prosecutorial functions**

#### **Article 6.- (Legal pluralism and interculturality)**

- I. In the exercise of its functions, the Public Prosecutor's Office shall respect the coexistence of legal systems.
- II. Within the framework of interculturality, it shall value the cultural, institutional, regulatory, and linguistic identity of the parties.

#### **Article 7.- (Probity and humane treatment)**

- I. Prosecutors shall conduct their actions in accordance with criteria of justice, transparency, efficiency, and effectiveness, guaranteeing society equitable and timely access to the Public Prosecutor's Office.
- II. Prosecutors are obliged to treat all persons involved in the investigation and criminal proceedings with equality, dignity, and humanity, under their responsibility.

#### **Article 8.- (Promotion of public criminal action)**

- I. Prosecutors shall, under their responsibility, initiate public criminal proceedings ex officio whenever they become aware of a punishable act and where there is flagrante delicto.
- II. Public criminal proceedings at the request of a party shall not prevent the Public Prosecutor's Office from taking the necessary steps to preserve evidence, while respecting the rights of the victim.
- III. Public criminal proceedings may not be suspended, interrupted, or terminated, except in the cases and in the manner expressly provided for by law.

#### **Article 9.- (Confidentiality)**

- I. The Public Prosecutor's Office shall ensure that the information provided does not violate the rights of the parties, as established in the [Political Constitution of the State](#) and the laws, in particular dignity and the presumption of innocence; nor shall it jeopardize the investigations being carried out or violate the confidentiality that has been established for them.
- II. Under no circumstances may the Public Prosecutor's Office reveal the identity or allow the dissemination of images of children and adolescents.
- III. Police investigators are prohibited from providing information on ongoing investigations to third parties not involved in the investigation, except in cases expressly determined by the [Political Constitution of the State](#) and the law.

**Article 10.- (Free of charge)**

- I. The exercise of the functions of the Public Prosecutor's Office and the Police shall be free of charge.
- II. Requests made by the Public Prosecutor's Office to public or private institutions for investigative purposes are free of charge. The Public Prosecutor's Office shall be exempt from the payment of fees, court costs, administrative costs, police costs, stamps, and other customs duties for the proceedings and actions carried out in the exercise of its functions.

**Article 11.- (Protection of victims, witnesses, and public servants)**

- I. The Public Prosecutor's Office, in coordination with the Bolivian Police, State bodies, and public institutions, shall protect persons who, by collaborating with the administration of justice, are at risk of suffering harm. To this end, it shall have permanent programs in place to protect witnesses, complainants, experts, victims, and its own employees.
- II. This protection shall be provided, in particular, in cases involving crimes related to organized crime, corruption, drug trafficking, crimes against children, adolescents, and women, human trafficking and/or violation of fundamental rights.

**Chapter Three Functions  
of the Public Prosecutor's Office**

**Article 12.- (Functions)** In order to fulfill its purposes, the Public Prosecutor's Office has the following functions:

1. To defend the legality and general interests of society through the exercise of public criminal action under the terms established in the [Political Constitution of the State](#), current international conventions and treaties, and laws.
2. To exercise public criminal action and functional direction of investigations and police actions.
3. To promote defense actions, in the exercise of public criminal proceedings, within the framework of the [Political Constitution of the State](#) and the laws.
4. Inform the victim of their rights in the criminal process and the progress of the investigations, even if they have not filed a complaint.
5. Inform the accused of their constitutional and legal rights and guarantees.
6. Request the assignment of a state defense attorney to the accused who lacks financial resources or to those who refuse to appoint a private defense attorney.
7. Request the institutions responsible for this purpose to assign a

## *Chapter Four Coordination and Cooperation*

state attorney to be assigned to victims who lack financial resources, when requested.

8. Ensure compliance with all legal provisions relating to the enforcement of sentences, contained in current international agreements and conventions, the Code of Criminal Procedure, and the law.
9. Provide international judicial, administrative, or investigative cooperation as provided for in laws, treaties, and international conventions in force.
10. Intervene in the inventory, control, and assignment of seized, confiscated, or forfeited property.
11. Any other function established by this Law.

### **Chapter Four Coordination and Cooperation**

**Article 13.- (Duty to collaborate)** Prosecutors, Senior Prosecutors, Departmental Prosecutors, and the Attorney General, as appropriate, shall collaborate with Deputies and Senators in investigative and oversight tasks carried out within the framework of their oversight powers through the commission or commissions elected for that purpose.

**Article 14.- (Inter-institutional coordination)**

- I. In order to ensure the fulfillment of its functions, the Public Prosecutor's Office shall act in coordination with the Legislative, Executive, Judicial, and Electoral Branches; the Plurinational Constitutional Court; the Ombudsman's Office; and other State institutions and agencies.
- II. Coordination with the police. Institutionalize bimonthly or quarterly meetings with the departmental commanders, directors, and division heads of the Bolivian Police Investigation Agencies. The departmental prosecutor shall meet weekly with the prosecutor in charge of the case and investigators for strategic follow-up on the case.
- III. Coordination with civil society.
  - a) The Attorney General, Minister of Government, National Director, and Departmental Directors of the Bolivian Police Investigation Agencies and other institutions shall meet annually.
  - b) Meetings with neighborhood associations and civil organizations.

**Article 15.- (Inter-institutional cooperation)** The Attorney General, either directly or at the request of the Departmental Prosecutor, Senior Prosecutor, or Subject Matter Prosecutor, may request that the hierarchical superiors of public entities declare civil servants who possess specific knowledge



in a specific science or trade to collaborate in the performance of an expert assessment in specific cases, with the exception of elected officials.

**Article 16.- (Coordination and cooperation with the Indigenous and Peasant Jurisdiction)**

The Public Prosecutor's Office, using the mechanisms at its disposal, shall take actions to coordinate and cooperate with the Indigenous and Peasant jurisdictional authorities, respecting their form of administration of justice, in accordance with the [Political Constitution of the State](#).

**Article 17.- (Obligation to cooperate)** In order for the Public Prosecutor's Office to carry out its functions, all persons, institutions, or agencies, whether public or private, are obliged to provide information, submit the required documentation, and/or perform any task related to the investigation requested by the Public Prosecutor's Office immediately, directly, and free of charge, under the responsibility provided for in the Criminal Code. Compliance may not be made conditional upon the payment of fees, stamps, or any other type of value.

## **Title II**

### **Organization of the Public Prosecutor's Office**

#### **Chapter One**

#### **Hierarchical organization and general conditions for the exercise of prosecutorial functions**

**Article 18.- (Hierarchical Organization)** The hierarchical organization of the Public Prosecutor's Office comprises the following levels:

1. Attorney General.
2. Departmental Prosecutor.
3. Senior Prosecutor.
4. Subject Matter Prosecutor.

**Article 19.- (General requirements for appointment)** In addition to the provisions of Article 234 of the [Political Constitution of the State](#) for access to public office, to be a prosecutor, the following is required:

1. Hold a national law degree.
2. Not be subject to any of the prohibitions, impediments, or incompatibilities established in the [Political Constitution of the State](#) and this Law.

**Article 20.- (Impediments)** The following persons may not serve as prosecutors:

1. Persons who have been declared legally incompetent.
2. Those who have an enforceable indictment.
3. Those who have represented persons found guilty of crimes against the unity of the State, as well as those who have participated in the formation of dictatorial governments or have sponsored processes of surrender or alienation of natural resources and national heritage.
4. Those who have been convicted of a crime.
5. Those who have been sanctioned with dismissal in disciplinary and/or administrative proceedings in public entities or bodies.

**Article 21.- (Incompatibilities)** In addition to those indicated in Article 239 of the [Political Constitution of the State](#), the following are grounds for incompatibility with the exercise of the function of Prosecutor:

1. Active membership or leadership in political parties, groups, or organizations that are registered in the books of the Plurinational Electoral Body.
2. The practice of the profession of lawyer, except in cases involving oneself, direct ascendants or descendants, or one's spouse or partner.
3. The exercise of public or private positions, whether remunerated or not.
4. Prosecutors who have relatives up to the fourth degree of consanguinity and the second degree of affinity in the Public Prosecutor's Office.
5. The practice of teaching or university lecturing.

**Article 22.- (Prohibitions)** In addition to those established in Article 236 of the [Political Constitution of the State](#), prosecutors may not:

1. Assume non-delegated representation at any public event or meeting that does not correspond to the exercise of their functions.
2. Issue summonses in cases not assigned to them, except in cases heard by substitution in accordance with the rules of this Law.
3. Reside in a place other than the territorial area for which they were appointed, except for travel or official assignments.
4. Form consortiums or associations with lawyers, judges, and/or police officers.
5. Run for elected public or private paid positions or engage in electoral campaigning.
6. Request or promote publicity regarding themselves in the exercise of their duties.

**Article 23.- (Rights)** Prosecutors have the following rights:

1. Not to be dismissed, removed, terminated, or suspended from their duties, except in the cases established by law.
2. To receive remuneration in accordance with their category and rank.
3. To receive training and ongoing professional development.
4. Not to be compelled to comply with orders, instructions, or directions that are not given in the manner and under the conditions provided for by law.
5. Not to be transferred indefinitely from the territorial area where they were appointed, except under the conditions and in the manner specified in the Regulations.
6. To physical protection for themselves and their immediate family members, in the event that their safety is threatened as a result of the performance of their duties.

**Article 24.- (Termination and dismissal)**

- I. Prosecutors shall cease to exercise their functions due to:
  1. Supervening incapacity.
  2. Encountering any impediment, prohibition, or incompatibility provided for in the [Political Constitution of the State](#) and the Law.
  3. When there is a final conviction in a criminal matter, a final conviction in a liability trial, a final decision of dismissal in disciplinary proceedings, or a final indictment, as applicable.
  4. Accepted resignation.
  5. Twice being rated as unsuitable for the position based on performance evaluations, in accordance with the Prosecutor Career Path.
  6. Having completed the term of office for which he or she was appointed in accordance with this Law.
  7. Retirement.
  8. Having reached 65 years of age.
  9. Death.
- II. In the cases provided for in paragraphs 3 to 9, termination shall be automatic; in all other cases, it shall be subject to a summary investigation in accordance with the Regulations.

**Article 25.- (Substitutes)**

- I. In the event of temporary impediment due to travel or illness of the Attorney General, he or she shall be replaced by the Departmental Prosecutor of Chuquisaca; and in the absence of the latter, he or she shall be replaced by the Departmental Prosecutor of

## *Chapter Two Prosecutors*

in accordance with the order of precedence established in paragraph V of this Article.

- II. In cases of dismissal, permanent suspension, resignation, absence, or permanent impediment of the Attorney General, he or she shall be replaced by the Departmental or Superior Prosecutor in accordance with the order of precedence established in paragraph V of this Article, and the relevant documentation must be submitted for this purpose to the Plurinational Legislative Assembly for processing by the Joint Committee on Plural Justice, the Public Prosecutor's Office, and the State Legal Defense.
- III. In the event of dismissal, resignation, absence, or impediment of the Departmental Prosecutors, they shall be replaced by the Prosecutor for the Matter, in accordance with the order of precedence established in paragraph V of this Article.
- IV. Senior prosecutors and subject matter prosecutors shall replace each other.
- V. The order of precedence is established according to seniority in the exercise of:
  1. Functions in office.
  2. Functions in the Public Prosecutor's Office.
  3. The legal profession.

**Article 26.- (Inauguration)** The Attorney General shall be inaugurated by the President of the Plurinational Legislative Assembly. Departmental Prosecutors and the Senior Prosecutor shall be inaugurated by the Attorney General. Prosecutors for specific matters shall be inaugurated by the corresponding Departmental Prosecutor. This shall be done after the requirements established by law have been met.

## **Chapter Two Prosecutors**

### **Section I Attorney General**

**Article 27.- (Hierarchy, representation, and exercise of powers)** The Attorney General is the highest hierarchical authority of the Public Prosecutor's Office and represents the institution and authority throughout the national territory and over all employees of the Public Prosecutor's Office. He or she exercises public criminal action and the powers granted to the Public Prosecutor's Office by [the Political Constitution of the State](#) and the laws.

**Article 28.- (Appointment and term of office)**

- I. The Attorney General shall be appointed by a two-thirds vote of the members present in the Plurinational Legislative Assembly, following a public call for applications and evaluation of professional qualifications and merits

through a public competition.

- II. He or she shall serve for six years, without the possibility of reappointment. If the appointee belongs to the Public Prosecutor's Office, he or she may return to it at the end of his or her term.
- III. The term of office of the Attorney General shall be interrupted for the reasons established in this Law, and the Legislative Assembly shall appoint a new holder within a period not exceeding three months.

**Article 29.- (Requirements)** To be eligible for the position of Attorney General, in addition to the general requirements, the following are required:

- I. Be at least thirty years of age at the time of application.
- II. Have performed judicial or prosecutorial functions, practiced law, or taught or lectured at a university in the legal field for eight accredited years with honesty and ethics.

**Article 30.- (Powers)** The Attorney General has the following powers:

- 1. To preside over official acts and represent the Public Prosecutor's Office.
- 2. Exercise the direction, guidance, and general supervision of the Public Prosecutor's Office.
- 3. To determine, in coordination with the organs of the State, the criminal policy of the country.
- 4. To determine the general policy of the institution and the criteria for the exercise of criminal prosecution and the defense of society with gender equity, equality, and non-discrimination.
- 5. Unify the actions of the Public Prosecutor's Office and establish priorities, policies, and standards in the exercise of its functions.
- 6. Convene and preside over the Council of the Public Prosecutor's Office every six months and whenever required.
- 7. Issue orders and instructions to prosecutors and subordinate officials, both of a general nature and relating to specific matters, in accordance with the terms and scope established by law.
- 8. To ratify, modify, or revoke the instructions given, when they are challenged in accordance with the procedure provided for in the Law.
- 9. Appoint one or more prosecutors to act in a specific matter or, in several matters, replace them or replace them among themselves, form teams to work together, or directly take on the conduct of cases of national importance or that seriously affect the collective interest.
- 10. To order, by means of a reasoned decision, the transfer, replacement, or reassignment of prosecutors and support staff for reasons of service, without this implying a permanent transfer from their place of work.

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11. To ratify or revoke decisions on transfers within the departmental territory issued by departmental prosecutors when they are challenged in accordance with the procedure provided for in this Law.
12. To ratify or revoke rejections and dismissals issued by departmental prosecutors when they have exercised functional direction of the investigation, and those issued by other prosecutors in cases where they have acted on the specific commission or instruction of the Attorney General, as well as to hear and resolve excuses and recusals in such cases.
13. Instruct the hiring of specialized advisors for specific cases or issues on a temporary basis.
14. Request that the hierarchical superiors of public entities declare a public servant to be on commission to collaborate in the investigation of specific cases or expert reports, with the exception of elected public servants.
15. Request collaboration from organizations from human rights at the Investigations of crimes that affect the fundamental rights of individuals.
16. Appoint senior prosecutors and subject matter prosecutors, at the proposal of the Competition Tribunal.
17. Maintain discipline within the service and enforce sanctions imposed on employees of the Public Prosecutor's Office, under criminal liability for breach of duty.
18. Appoint, remove, transfer, suspend, and dismiss administrative personnel of the Public Prosecutor's Office in accordance with regulations. In the case of personnel of the Departmental Prosecutor's Offices, this shall be at the proposal of the Departmental Prosecutor.
19. Inspect, when necessary, the offices of the Public Prosecutor's Office and the offices of agencies conducting criminal investigations.
20. Arrange for the creation of prosecutor positions and the assignment of prosecutors, according to the needs and requirements of the service.
21. Arrange for the creation of directorates, coordination units, specialized areas, or units, and appoint those responsible, specialized prosecutors, and the necessary personnel.
22. Arrange for the creation of Early Response and Resolution Platforms and Notification Centers according to the needs and requirements of the Service, taking into account the reports of the Departmental Prosecutors.
23. Approve, modify, and repeal the regulations of the Public Prosecutor's Office.
24. Bring criminal proceedings before the Supreme Court of Justice in trials for crimes committed in the exercise of their functions against the President and/or Vice President of the Plurinational State, with the possibility of acting with a team of senior prosecutors and subject matter experts.
25. Request cooperation and sign agreements with research institutions,  
domestic and foreign, linked to the study of criminality and forensic sciences.
26. Promote the use of technology in research and the use of

27. Approve and submit the budget of the Public Prosecutor's Office to the Executive Branch for incorporation into the General State Budget Law.
28. Sign agreements with similar entities, agencies, or institutions in other countries, as well as with public or private organizations, national agencies, and international or foreign agencies in accordance with framework agreements signed between states, in accordance with the [Political Constitution of the State](#), related to its functions.
29. Intervene in extradition proceedings in accordance with the provisions of the Code of Criminal Procedure, other laws, international agreements, and treaties.
30. Make and revoke appointments of prosecutors, grant licenses, accept or reject resignations of departmental, superior, and subject matter prosecutors in accordance with the Regulations.
31. To bring the defense actions provided for in the [Political Constitution of the State](#) and the Law.
32. Appoint the members who will make up the Competition Tribunals.
33. Appoint the Disciplinary Authorities of the Public Prosecutor's Office for the prosecution of Departmental Prosecutors, following a public call for applications and a merit-based competition, and evaluate their performance, in accordance with the Regulations.
34. Appoint the directors of the School of State Prosecutors, the Institute of Forensic Investigations, the Protection of Victims, Witnesses, and Members of the Public Prosecutor's Office, Fiscal Management, Supervision and Evaluation, and Financial Administration, following a public call for applications and a merit-based competition.
35. Suspend from office departmental prosecutors, senior prosecutors, subject matter prosecutors, and public servants of the Public Prosecutor's Office against whom formal charges have been filed before the competent judge or court, without pay, under their own responsibility.
36. Coordinate with the relevant public authorities in accordance with the law.
37. Any other powers provided for by law.

**Article 31.- (Duty to inform)** The Public Prosecutor's Office must inform and be transparent with society about its actions, in addition to the control and oversight established in the [Political Constitution of the State](#), for which purpose the Attorney General of the State shall:

1. Report to the Plurinational Legislative Assembly annually.
2. Inform society, at least every six months through the media, about the activities carried out, difficulties, and achievements in the exercise of its mission.
3. Compile and publish the regulations, general instructions, and specific instructions that have been ratified, as well as the most relevant requirements and resolutions.

relevance.

4. Publish the annual report with statistical data on management.

## **Section II Departmental Prosecutors**

### **Article 32.- (Hierarchy, representation, and exercise of powers)**

- I. Departmental Prosecutors are the highest-ranking representatives of the Public Prosecutor's Office in their Department.
- II. They shall exercise public criminal action and the powers granted to the Public Prosecutor's Office by the [Political Constitution of the State](#) and the laws, either themselves or through the prosecutors under their charge.

### **Article 33.- (Requirements, appointment, and term of office)**

- I. To be eligible for the position of Departmental Prosecutor, in addition to the general requirements, candidates must have served as a prosecutor, judge, or lawyer for six years.
- II. Departmental prosecutors shall be appointed by the Attorney General, following a public call for applications and assessment of professional ability and merits through a public competition.
- III. They shall serve for four years, with the possibility of reappointment as Departmental Prosecutor only once. If the appointee belongs to the prosecutorial career, they may return to it after completing their term.
- IV. They shall be evaluated annually, in accordance with the Regulations, for the purposes of Article 24, paragraph 5, of this Law.

**Article 34.- (Powers)** Departmental Prosecutors, within the territorial scope of their functions, shall have the following powers:

1. To represent the Public Prosecutor's Office in the department to which they belong.
2. To exercise functional direction of criminal investigations in cases of social relevance or to delegate it.
3. To supervise the conduct of investigations by subject matter prosecutors.
4. Comply with and enforce the instructions of the Attorney General.
5. Prepare their department's budget for consideration by the Attorney General, as well as its monthly execution within the framework of the law, under their responsibility.
6. Grant leave to the prosecutors under their charge, in accordance with regulations.
7. Establish the schedule of shifts and substitutions for prosecutors in their department.



8. Coordinate investigative work with other departmental prosecutors' offices and provide them with the cooperation they require.
9. Coordinate with the relevant public authorities in accordance with the law.
10. Issue orders and instructions to prosecutors and subordinate civil servants, both of a general nature and relating to specific matters, under the terms and scope established in this Law.
11. Appoint one or more members of the Public Prosecutor's Office to act on commission in specific cases, replace each other, form teams to work together when directly assuming functional leadership in cases of departmental relevance or that seriously affect the collective interest.
12. Arrange for the temporary transfer of prosecutors for reasons of service, ensuring the continuity and speed of investigations, under their responsibility.
13. Submit written reports on their work to the Attorney General on a quarterly basis and whenever this authority so requires.
14. At the request of the Prosecutor in Charge, request the competent police authority to apply disciplinary proceedings to police officers who are removed from the investigation for having failed to comply with prosecutorial requirements or for having acted negligently or inefficiently, under their responsibility.
15. Authorize the execution of the budget items assigned to his or her department.
16. Monitor the performance of the prosecutors under his or her charge and keep a record of initial actions and conclusive requirements.
17. Resolve objections to resolutions rejecting and challenging dismissals, in accordance with procedure.
18. Ensure that prosecutors keep the record of activities in the computerized or other monitoring systems up to date, in accordance with institutionally established procedures.
19. Inform the Attorney General of the filing of formal charges against prosecutors belonging to their departmental jurisdiction, under their responsibility.
20. Any other powers provided for by law.

### **Section III Senior Prosecutors**

**Article 35.- (Exercise of functions)** Senior prosecutors shall exercise their functions in the Attorney General's Office.

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**Article 36.- (Requirements)** To be eligible for the position of Senior Prosecutor, in addition to the general requirements, the following is required:

1. Specialization in one or more areas of law.
2. Have served as a prosecutor, judge, or attorney for four years.

**Article 37.- (Powers)** In addition to those established for prosecutors, senior prosecutors shall have the following powers:

1. To represent the Public Prosecutor's Office before the Superior Court of Justice with all the powers set forth in the Code of Criminal Procedure, without prejudice to the intervention of the prosecutor assigned to the case.
2. To file appeals for review of final convictions.
3. Any other powers assigned by the Attorney General in accordance with the Regulations.

### **Section IV Prosecutors**

**Article 38.- (Functions)** Prosecutors shall exercise public criminal action, with all the powers granted to the Public Prosecutor's Office by the [Political Constitution of the State](#) and the laws, ensuring their intervention in the different stages of the criminal process.

**Article 39.- (Requirements)** To be eligible for the position of Prosecutor, in addition to the general requirements, the following is required:

1. To have exercised the functions of prosecutor, judge, or lawyer for four accredited years, following a public call for applications.
2. Have completed the Initial Training Course at the School of State Prosecutors with three years' seniority in the profession of lawyer.

**Article 40.- (Powers)** Prosecutors have the following powers:

1. To bring public criminal proceedings and to direct the investigation and police action in the cases assigned to them for investigation.
2. To intervene in all proceedings in the preliminary, preparatory, and intermediate stages, as determined by law, ensuring that the purpose of these stages of the process is fulfilled within the legal term and issuing the corresponding requirements within the period provided by law, under their responsibility.
3. To intervene in the trial stage, support the prosecution, and provide all means

of evidence to support a conviction.

4. File and defend the actions or appeals provided for by law.
5. Inform the accused in a timely manner of their constitutional and legal rights and guarantees.
6. Ensure that the accused person is assisted by a private or state defense attorney; and, where appropriate, appoint a translator or interpreter.
7. Respond to requests from victims and inform them of their rights, ensuring that they are assisted by a private or state attorney; and, where appropriate, appoint a translator or interpreter, when requested.
8. Require measures to ensure that the victim receives emergency medical and psychological care, avoid their revictimization, and prevent their physical and psychological integrity from being endangered, as well as measures to extend this to witnesses and persons affected by the criminal act.
9. Refer direct and indirect victims to victim and witness protection institutions, where appropriate.
10. Ensure that all evidence and proof collected is properly safeguarded within the chain of custody, particularly that collected from the victim.
11. Resolve in a well-founded manner the formal indictment, dismissal, or formal accusation within the time limits established by law.
12. Require, on a well-founded basis, the adoption of precautionary measures of a personal and real nature.
13. Arrange for the preventive registration of seized property in the relevant public registries.
14. Request the judicial authority in the case to order the forfeiture or confiscation of the instruments and proceeds of the crime and their delivery to the Public Prosecutor's Office as custodian.
15. Intervene in the inventory, control, and allocation of seized, forfeited, or confiscated property to ensure the necessary evidence for the investigation and trial.
16. Intervene in the destruction of controlled substances.
17. Require, on a well-founded basis, the application of alternatives to trial, where appropriate.
18. Forward a copy of the rejection decisions and final requirements to the Departmental Prosecutor in cases where there is no victim or complainant, for control purposes.
19. Remove, for justified reasons, police officers involved in the investigation when they unjustifiably fail to comply with the investigative actions ordered by the prosecutor.
20. Request, through the Departmental Prosecutor's Office, the application of processes

for police officers who are removed from the investigation for failing to comply with the prosecutor's requirements or for acting negligently or inefficiently.

21. Once the preparatory stage has been completed, as appropriate, to present the indictment to the competent judicial authority, request the application of an alternative to trial, or order the dismissal of the case.
22. Inspect police detention centers to verify respect for fundamental rights.
23. Submit a quarterly report to the Departmental Prosecutor on the matters under his or her responsibility.
24. Any other powers provided for by law.
25. Comply with and enforce the instructions of the Departmental Prosecutor.

**Article 41.- (Obligation to report)** In order to ensure the transparency and effectiveness of the investigation:

- I. Prosecutors shall inform their immediate superior of matters under their responsibility which, due to the multiplicity of facts, the high number of defendants or victims, or because they are linked to crimes of drug trafficking, human trafficking, corruption, arms trafficking, terrorism, and/or committed by criminal organizations, require special treatment, specifically indicating the difficulties and proposing ways to solve them. In such cases, the departmental prosecutor, either ex officio or at the request of the prosecutor in charge, may order the formation of a board of prosecutors to evaluate the progress of the investigation, study the case, and suggest any measures deemed necessary.
- II. Information requested by state agencies that are not party to the proceedings on specific cases shall be processed through the Departmental Prosecutor.
- III. Prosecutors must record their actions in the computer and physical record systems established by the Public Prosecutor's Office, as well as provide the required statistical information in a truthful and timely manner.

### **Chapter Three**

#### **Support staff for the prosecutorial function and specialized advisors**

## **Section I Support staff**

**Article 42.- (Assistant)** Assistants are employees of the Public Prosecutor's Office assigned by the Attorney General and the Departmental Prosecutors to assist prosecutors in the performance of their duties. They shall always act under the supervision and responsibility of the hierarchical superior whom they assist.

- I. To be eligible for the position of Assistant Prosecutor, in addition to the general requirements for public servants, candidates must have practiced law for two years. Their duties shall be established in accordance with the Regulations.

**Article 43.- (Assistant)** To be eligible for the position of assistant, in addition to the general requirements for public service, candidates must be third-year law students or law graduates. Their duties shall be established in accordance with the Regulations.

## **Section II Specialized Advisors**

**Article 44.- (Specialized Advisors)**

- I. The Attorney General of the State; the Departmental Prosecutors, at the request of the Prosecutor for the Matter, by means of a well-founded resolution, shall arrange for the hiring of specialized advisors to form interdisciplinary teams in those cases in which, due to the multiplicity of facts, the high number of accused persons or victims, or because they are crimes linked to organized crime, or require specialized investigation.
- II. They may request the collaboration of human rights organizations in the investigation of crimes that affect the fundamental rights of individuals.
- III. Specialized advisors are temporary and shall not be considered permanent staff.

## **Chapter Four Council of the Public Prosecutor's Office**

**Article 45.- (Nature and composition)**

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- I. The Council of the Public Prosecutor's Office is the advisory body of the Public Prosecutor's Office and shall be composed of:
  - 1. The Attorney General, who presides over the Council.
  - 2. The Departmental Prosecutors.
  - 3. A Senior Prosecutor and Subject Matter Prosecutor, who shall be appointed annually by the Attorney General from among the prosecutors who have obtained the highest scores in the ranking.
- II. Directors, Coordinators of Specialized Units, and other employees of the Public Prosecutor's Office may be summoned for specific issues.

**Article 46.- (Sessions)** The Council of the Public Prosecutor's Office shall meet every six months, and the Attorney General may convene it as often as he or she deems necessary. Likewise, the Attorney General shall convene the Council of the Public Prosecutor's Office in order to consider and resolve criteria of importance for the application of laws and regulations and to establish criteria on the unity of action of the Public Prosecutor's Office.

**Article 47.- (Powers)** The Council of the Public Prosecutor's Office shall have the following powers:

- 1. To propose to the Attorney General draft regulations of the Public Prosecutor's Office or amendments thereto.
- 2. To propose to the Attorney General the creation of specialized prosecutor's offices or units.
- 3. To propose criteria for the application of laws, measures for the improvement of criminal prosecution, fiscal management, quality of service, and for the unification of the actions of the Public Prosecutor's Office.
- 4. Evaluating the application of general instructions and specific instructions ratified by the Attorney General in order to adopt the appropriate corrective measures.
- 5. Advise the Attorney General, when requested.
- 6. Any other duties established by law.

**Article 48.- (Quorum)** The Council of the Public Prosecutor's Office shall validly meet with two-thirds of its total members. Decisions shall be adopted by simple majority.

**Title III**  
**Instructions, procedural action, recusal, and challenge**

## **Chapter One**

### **Instructions**

#### **Article 49.- (Instructions)**

- I. In order to establish criteria for the application of laws and to ensure unity of action within the Public Prosecutor's Office, the Attorney General and the Departmental Prosecutors shall issue instructions to the prosecutors under their authority regarding the exercise of their functions.
- II. The instructions may be of a general or specific nature. Specific instructions shall relate to the actions of the prosecutor in a specific matter and shall in no case refer to the manner of resolution of a proceeding, to his or her transfer, replacement, or reassignment of duties, without affecting the continuity and speed of the proceedings.
- III. Prosecutors who receive instructions from their superiors concerning the exercise of their functions must comply with them, without prejudice to expressing their position or objecting to them in a well-founded manner before the same authority, in accordance with the provisions of this Law.

**Article 50.- (Form)** Instructions shall be given in writing and transmitted by any means of communication that ensures their receipt. Exceptionally, instructions may be given verbally directly by the competent hierarchical authority, by any means of communication, and confirmed in writing within twenty-four hours.

#### **Article 51.- (Objection)**

- I. Instructions from a superior may only be reconsidered by way of objection, provided that the prosecutor who receives them informs their superior, with justification, that they consider them to be contrary to the law or manifestly arbitrary or inconvenient for institutional functions.
- II. General instructions may only be objected to by departmental prosecutors; lower prosecutors may only object to a general instruction on reasonable grounds when they must apply it to a specific case.

#### **Article 52.- (Procedure)**

- I. Objections shall be raised before the same authority that issued them within a peremptory period of forty-eight hours from the time of notification. Exceptionally, the distance shall be taken into account as appropriate.
- II. When an instruction from the Attorney General of the State is challenged, the latter shall resolve it in a well-founded manner by means of a resolution, within a maximum period of seventy-two hours of receipt,

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State, the latter shall resolve the objection in a reasoned decision within a maximum period of seventy-two hours of receipt, and may ratify, modify, or revoke the contested instructions, communicating this decision in writing. If no decision is made within this period, the objection shall be admitted in accordance with the terms of the request.

- III. When an instruction from the Departmental Prosecutor is challenged, by means of a reasoned decision and within forty-eight hours of its receipt, the Prosecutor shall ratify its legitimacy or appropriateness and shall forward the instruction together with the objection, background information, and decision within twenty-four hours to the Attorney General, so that he or she may resolve the matter within a maximum period of seventy-two hours of its receipt. If no resolution is reached within this period, the objection shall be admitted in accordance with the terms of the request.
- IV. The resolution shall be communicated to the Departmental Prosecutor and to the Prosecutor who has raised the objection.

**Article 53.- (Effects)** Objections to specific instructions shall have suspensive effect until a final decision is made, except in cases involving procedural acts subject to a time limit or that cannot be delayed. Only in these cases shall the objecting party be exonerated from liability for the acts performed when their objection is accepted in accordance with the terms of the request.

### **Article 54.- (Decision)**

- I. The Attorney General may ratify, modify, or revoke the challenged instructions, without further recourse. Instructions modified by the Departmental Prosecutor may only be challenged before the Attorney General.
- II. In all cases, the decisions shall be duly substantiated, with an express assessment of the responsibilities that may apply.

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### **Article 55.- (Exercise of public criminal action)**

- I. Prosecutors, in the performance of their duties, shall carry out all necessary procedural acts promptly and in a timely manner, complying with procedural deadlines and within a reasonable time, in the exercise of public criminal action.
- II. Prosecutors may dismiss written complaints, criminal complaints, and direct action police reports in which the act is atypical, involves private criminal prosecution, does not meet the relevant legal requirements, there is no clear factual relationship, or there are not sufficient elements to make a decision. In the latter three cases, a period of 24 hours will be granted to remedy the situation, otherwise it will be considered not submitted.



considering it not filed.

- III. In the case of verbal complaints, when the complaint is made at the prosecutor's office, the prosecutor shall immediately order the investigators to go to the scene of the incident to verify it, without prejudice to going there personally, and shall report these aspects to the prosecutor. If there is sufficient evidence, the corresponding investigations shall be carried out; otherwise, the complaint shall be dismissed.

**Article 56.- (Evidentiary activity)** Prosecutors, in the accumulation and production of evidence, shall preserve the conditions of immediacy of all procedural subjects with the means of conviction. Likewise, they shall make a restrictive interpretation of the rules for the incorporation of evidence by reading.

**Article 57.- (Form of action)** Prosecutors shall formulate their requests and resolutions in a reasoned and specific manner. They shall proceed orally in hearings and at trial, and in writing in all other cases provided for by law, observing the appropriate procedural forms.

**Article 58.- (Notifications)** Notifications to be made by the Public Prosecutor's Office shall be made within the next business day after the request or resolution is issued and by any legal means of communication that ensures their acknowledgment and/or by the means that the interested party has expressly accepted or proposed, including electronic notifications, expressly stating the email address or mailbox. Routine orders and decrees shall be posted on the Public Prosecutor's Office bulletin board or in electronic mailboxes, as appropriate.

- I. In cases where the parties have not specified a precise real and procedural address, or where this is not known, notifications shall be posted on the notice board of the Public Prosecutor's Office. These notice boards shall be accessible to the public. In all proceedings and processes known to the Attorney General's Office, notifications shall always be posted on its notice board and/or sent to the email address provided by the party.
- II. During the preparatory stage, if the summoned witness does not appear within the established time frame and does not provide a legitimate reason for their absence, the prosecutor shall issue an arrest warrant in order to carry out the corresponding proceedings.

**Article 59.- (Minutes)**

- I. The actions of the prosecutors that must be recorded in the minutes shall, in order to be valid, be recorded in accordance with the requirements and formalities set forth in the Code of Criminal Procedure and, where appropriate, the formal requirements thereof shall be corrected in a timely manner.

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- II. If the minutes are based on a tape recording, they must be transcribed in full without any cuts or edits and kept on file and under the responsibility of the prosecutor.

**Article 60.- (Prosecutor's Office Archive)** The Attorney General's Office and Departmental Prosecutor's Offices shall operate the Central Prosecutor's Office Archive for the preservation and custody of investigation files of closed cases and procedural documents, as well as for the deposit and custody of evidence, under the responsibility and inventory of its holder in accordance with the Regulations. This office shall coordinate its work of systematizing information and following up on cases with the IT office.

**Article 61.- (Investigation files)**

- I. Investigation files shall be organized according to criteria of order and usefulness and shall be available to the parties, except in cases of confidentiality.
- II. The parties shall not be required to comply with any formalities in order to obtain copies.
- III. No reports or certificates regarding the contents of the investigation file shall be disclosed to third parties, except in the cases specified in the [Political Constitution of the State](#) and the Law.

**Article 62.- (Alternative outcomes)** In cases where the application of alternative outcomes to oral proceedings, as provided for in the Code of Criminal Procedure, is appropriate, prosecutors shall request them without delay and under their own responsibility, as soon as the legally required conditions are met, seeking as a priority the resolution of the criminal conflict.

**Article 63.- (Immediate proceedings)** In cases of flagrant crimes, the prosecutor in charge of the case shall follow the specific procedure, complying with the established time limit under their responsibility, seeking as a priority the resolution of the criminal conflict.

**Article 64.- (Conciliation)**

- I. When the Public Prosecutor's Office prosecutes crimes against property or negligent crimes, the prosecutor, either ex officio or at the request of a party, shall urge them to state the conditions under which they would agree to conciliation.
- II. Except where the act has resulted in death, where there is a serious threat to the public interest, where constitutional rights have been violated, and/or where the parties are repeat offenders or habitual criminals.
- III. Except when it affects the assets of the State.

**Article 65.- (Hierarchical appeal)** The challenge to the rejection or dismissal shall be resolved by the hierarchical superior, who shall comprehensively assess the content of the proceedings and provide a reasoned decision within the time limit established by law, under his or her responsibility.

**Article 66.- (Review)**

- I. The highest authority of the Public Prosecutor's Office may, on an exceptional basis and ex officio, in the exercise of its powers, revoke the decisions of rejection or dismissal, duly substantiated, handed down by prosecutors or departmental prosecutors, in cases of crimes that seriously undermine the general interests of society, when there is no complainant, and for violations of fundamental rights, within ten days of receiving the proceedings.
- II. If the decision is revoked due to manifest negligence or malicious intent on the part of the subordinate, disciplinary or criminal proceedings shall be initiated, as appropriate.

**Article 67.- (Guarantees for the accused)**

- I. The prosecutor shall ensure at all times that the accused is aware of their fundamental rights, the constitutional and legal guarantees to which they are entitled, the status of the investigations or proceedings, except in cases of confidentiality declared by the judge hearing the case, as well as the conditions they must comply with, whenever an alternative to trial is appropriate.
- II. In the event of lack of financial resources, the prosecutor shall request that a free state defense attorney, translator, or interpreter be assigned when necessary.

**Article 68.- (Guarantees for the victim)**

- I. The Public Prosecutor's Office shall attend to the interests of the victim and inform them of their rights and obligations in the criminal proceedings and of the outcome of the investigations, even if they have not filed a complaint, safeguard their right to be heard before each prosecutorial and judicial decision, and request that a lawyer, state defense attorney, translator, or interpreter be assigned to victims without financial resources, as well as specialized personnel in order to avoid secondary victimization, whenever requested.
- II. The victim shall be treated with care, respect, and consideration. To this end, a permanent program of comprehensive care for victims and their families shall be made available, in coordination with the relevant State bodies and public or private institutions.
- III. The victim or complainant may request the Chief Prosecutor to replace the prosecutor in charge of the investigation when there are justified reasons, there is no investigative activity necessary according to the nature of the act, there are no guidelines for the investigation, there is a failure to comply with procedural deadlines, or no decision is made on the proposed proceedings. The decision of the Senior Prosecutor shall be substantiated and resolved.

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within a strict deadline of three days, under their own responsibility. In the event of evidence of liability is found, disciplinary proceedings shall be initiated.

**Article 69.- (Proceedings against adolescents)** In criminal investigations and proceedings against adolescents who can be held criminally responsible and in proceedings to establish their responsibility, as provided for by law, the Public Prosecutor's Office shall act with specialized prosecutors and shall ensure that:

1. The proceedings do not cause further harm to the adolescent.
2. These cases must be conducted in strict confidentiality, under absolute responsibility.
3. The penalty should be proportionate and appropriate for the purposes of education, rehabilitation, and social reintegration.
4. Where applicable, socio-educational measures shall not take on the characteristics of criminal penalties.

**Article 70.- (Psychosocial report)** In investigations involving criminally responsible adolescents, the Public Prosecutor's Office shall request a psychosocial report from the Office of the Ombudsman for Children and Adolescents or the corresponding public authority, and shall take its content into account before issuing its final request. A copy of the report shall be attached to the request.

**Article 71.- (Confidentiality of proceedings)**

- I. The results of investigations against criminally responsible adolescents shall be kept strictly confidential, even after a sentence has been handed down in the respective case.
- II. Under no circumstances shall the criminal records of criminally responsible adolescents be used against them, even after they have reached the age of majority.

**Article 72.- (Proceedings against members of indigenous and aboriginal farming nations and peoples)**

- I. In criminal investigations and proceedings against members of Indigenous and Native Peasant Nations and Peoples, in the Ordinary Jurisdiction, the Public Prosecutor's Office shall act with respect for their cultural diversity and worldview.
- II. It may request the opinion of the authorities or organizations of the Indigenous Native Peasant Nations and Peoples to which they belong, or that of an expert in the field. The prosecutor shall provide grounds for this aspect in the resolutions he or she issues.

### **Chapter Three Excuse and Recusal**

**Article 73.- (Grounds)** The following are grounds for recusal and challenge of prosecutors:

1. Kinship with the victim, complainant, or accused person, their attorneys, up to the fourth degree of consanguinity or second degree of affinity, as well as spiritual kinship.
2. Close friendship or manifest enmity with the victim, complainant, or accused person, demonstrated by well-known, unequivocal, and recent events. In no case shall it proceed on the basis of attacks or offenses inflicted on or by the prosecutor after assuming functional direction of a case or knowledge of a matter.
3. Being a creditor, debtor, partner, or guarantor of the victim, complainant, or accused person.
4. Having been a lawyer, representative, agent, witness, or guardian in the matter to be heard.
5. In the case of departmental prosecutors, if they have issued a decision to dismiss or close the same case.
6. To have received benefits and gifts from the parties.

**Article 74.- (Excuse)**

- I. Prosecutors may excuse themselves by informing their superior of their impediment, by means of a substantiated report, within twenty-four hours of becoming aware of it, without prejudice to carrying out the essential acts to preserve the means of evidence or the essential procedural actions.
- II. The superior must decide within a maximum period of forty-eight hours. If the excuse is declared legal, the proceedings shall be continued by another prosecutor. If it is declared illegal, it shall be referred to the investigating judge.

**Article 75.- (Challenge)**

- I. Within three days of becoming aware of the grounds for recusal, the victim, complainant, or accused person may file a well-founded recusal request with the superior prosecutor, accompanied by sufficient evidence and expressly indicating the date and circumstances of becoming aware of the grounds invoked. The filing of the recusal request shall not prevent the recused prosecutor from continuing to hear the investigation or proceedings.
- II. Once the challenge has been filed, the Senior Prosecutor shall notify the challenged prosecutor so that he or she may submit a report within twenty-four hours.

from the time of notification.

- III. The senior prosecutor shall, within twenty-four hours of receiving the report, rule on the challenge by means of a reasoned and final decision. If the challenge is declared legal, the prosecutor shall order the proceedings to be continued by another prosecutor. If it is declared illegal, a fine shall be imposed in accordance with the regulations.
- IV. The parties may not challenge the Senior Prosecutor or file a new challenge on the same grounds.

**Article 76.- (Recusal of the Attorney General)** The Attorney General may not be challenged, but may recuse himself or herself from hearing a case for the reasons set forth in this chapter. To that end, he or she shall issue a reasoned decision and refer the matter to his or her legal substitute.

## **Title IV**

### **Institutions for the investigation and protection of victims, witnesses, and members of the Public Prosecutor's Office**

#### **Chapter One Bolivian Police**

**Article 77.- (Function)** In the investigation and inquiry of criminal acts, the Bolivian Police shall have the function of identifying and apprehending the alleged perpetrators, identifying and assisting the victims, gathering, analyzing, preserving, and properly safeguarding the evidence and proof, carrying out the actions ordered by the Prosecutor conducting the investigation, within the established time limits. These proceedings shall be referred to the competent prosecuting authority.

**Article 78.- (Functional direction)**

- I. Police officers engaged in investigative activities shall perform their duties under the functional direction of the prosecutor or prosecutors assigned to the case. Organizationally and administratively, they are subject to the Bolivian Police.
- II. Functional direction is understood to mean:
  - 1. The legal and strategic direction of the investigation.
  - 2. The mandatory compliance by police investigators with all requirements relating to the investigation of criminal acts issued by the Prosecutor's Office. The police administrative authority may not revoke or modify the requirement issued or delay its compliance.
  - 3. At the request of the prosecutor, the direct and mandatory assignment of police investigators to investigate the criminal act

Once the investigators have been assigned, the police administrative authority may not remove them from the investigation or assign them other duties that prevent them from carrying out the investigation, without the knowledge of the prosecutor.

4. The removal of the police investigator assigned to the investigation, with notification to the police authority, when he or she fails to comply with a prosecutor's request, acts negligently, or is not efficient in the performance of his or her duties.
5. Where appropriate, the prosecutor may request, with justification, that the competent police authority, through the Departmental Prosecutor's Office, apply disciplinary procedures to police officers removed from the investigation.

**Article 79.- (Conclusive technical report)**

- I. Police officers shall conduct preliminary investigations and report to the Public Prosecutor's Office on the proceedings carried out. At the end of the preparatory stage, they shall prepare a conclusive technical report on the investigation.
- II. Before issuing its final report on crimes of violence against women, the Public Prosecutor's Office shall request psychosocial reports from the corresponding public authority, which it shall consider and attach a copy of to the final technical report of the investigation.

**Article 80.- (Police investigators)** In order to ensure the effectiveness of the investigation of crimes, the Bolivian Police shall assign police officers to perform the functions of the Judicial Police, under the functional direction of the Public Prosecutor's Office, for which purpose:

It shall select police officers based on their knowledge, skills, and competencies in investigative matters in accordance with the Police Investigator Career, guaranteeing the exclusivity, permanence, irremovability, and specialization of its members, whose recruitment, selection, admission, organization, permanence, and termination shall be in accordance with the Regulations.

Assign them to specialized investigative functions for a minimum period of three years. Police officers performing judicial police functions shall retain their seniority, benefits, and merits for promotion in the police career.

**Article 81.- (Responsibility)** Without prejudice to the responsibility of the State, police investigators who perform Judicial Police functions shall be liable for criminal, civil, and administrative responsibility for poor performance in the exercise of their functions before the appropriate authority.

**Article 82.- (Special Commission)** In cases of national interest and special investigations, the Attorney General shall order the formation of a special investigation commission, requesting the Bolivian Police or other international organizations, in accordance with current regulations and/or international agreements, to assign their most specialized or trained personnel to the specific case for the duration of the investigation.

## **Chapter Two**

### **Institute of Forensic Investigations**

#### **Article 83.- (Purpose)**

- I. The Institute of Forensic Investigations (IDIF) is the institution responsible for conducting the scientific and technical laboratory studies required for the investigation of crimes by the Public Prosecutor's Office. It shall also be responsible for scientific and technical studies to verify other facts entrusted to it by court order.
- II. In its technical functions, it is independent and issues reports and opinions in accordance with the rules of scientific research.
- III. Respecting and prioritizing the provisions of paragraph I of this Article, the Public Prosecutor's Office, given the technical impossibility of the Institute of Forensic Investigations (IDIF), may turn to the Institute of Technical and Scientific Investigations of the Police University (IITCUP), as a specialized agency of the Bolivian Police.

#### **Article 84.- (Structure)**

- I. The Institute of Forensic Investigations shall be composed of a National Directorate and the bodies established in accordance with the needs of the service.
- II. The directors and other staff of the Institute shall be appointed through a public competition based on merit and background. When the appointment falls to active members of the Bolivian Police, they shall be declared on secondment, without affecting their police career.
- III. Its organization and operation shall be regulated by the Attorney General's Office.

**Article 85.- (Functions)** The Institute of Forensic Investigations shall have the following functions:

1. To carry out scientific, technical, and laboratory expertise, analysis, and examinations, and to conduct forensic studies requested by the prosecutor and/or ordered by a court.



2. Develop and prepare scientific programs for forensic and criminalistic research, applying the results of such advances.
3. To edit and publish the resulting activities, programs, and scientific research, including statistical data that allow for the establishment of factors of violence and crime in the country.
4. Coordinate training and exchange programs on scientific advances with national and international research organizations, as well as with entities responsible for knowledge in the criminal area.
5. Collaborate within and outside the Plurinational State with governments, institutions, authorities, and individuals in relation to criminal investigation in coordination with the administration of the Public Prosecutor's Office.
6. Ensure that, in the chain of custody, the evidence or probative elements that are delivered are not contaminated, lost, altered, and/or damaged, under its responsibility.
7. Others assigned by law.

**Article 86.- (Dependency)** The Institute of Forensic Investigations is administratively and financially dependent on the Attorney General's Office, enjoying functional autonomy in the performance of its scientific and technical tasks.

**Article 87.- (Responsibility)** The experts and employees of the Institute of Forensic Investigations (IDIF) and the Institute of Technical and Scientific Investigations of the Police University (IITCUP) shall be liable for criminal, civil, and/or administrative responsibility in accordance with the Regulations for poor performance in the exercise of their duties.

### **Chapter Three**

#### **Protection of victims, witnesses, and members of the Public Prosecutor's Office**

**Article 88.- (Directorate for the Protection of Victims, Witnesses, and Members of the Public Prosecutor's Office)** It is responsible for promoting the protection and assistance of victims of crimes, witnesses, persons who collaborate with criminal prosecution, and employees of the Public Prosecutor's Office.

**Article 89.- (Dependency)** It reports to the Attorney General and shall be headed by a Director appointed by the Attorney General, following a public call for applications and evaluation of merits. The Director shall serve for a term of four years, the duties of which shall be specified in the Regulations.

**Article 90.- (Powers)** The Director of Protection for Victims, Witnesses, and Members of the Public Prosecutor's Office shall have the following powers:

## *Title V Human Resources*

1. To advise the Attorney General on policies for the protection and assistance of victims, witnesses, and members of the Public Prosecutor's Office.
2. Execute and coordinate the implementation of specialized and differentiated protection policies and programs, and care for victims, witnesses, and members of the Public Prosecutor's Office.
3. To request, through a prosecutor's order, that the Bolivian Police provide physical protection to victims, complainants, witnesses, employees of the Public Prosecutor's Office, or persons who collaborate in the prosecution of crimes.
4. Supervise and evaluate the execution of specialized and differentiated protection and care plans and programs.
5. Promote the implementation of national or international cooperation programs with public or private institutions.
6. Any other powers assigned by the Attorney General.

## **Title V Human Resources**

### **Chapter One: Career System for Prosecutors**

#### **Article 91.- (Prosecutorial Career)**

- I. The Prosecutor Career is the system that establishes the admission, appointment, tenure, and/or dismissal of prosecutors in the Public Prosecutor's Office. It is based on the recognition of merits and progressive accreditation of knowledge and legal training of prosecutors, in accordance with the Regulations.
- II. Internal or external recruitment processes shall arise from the needs of the service and vacancies within the structure of the Public Prosecutor's Office, ensuring gender equivalence and/or parity and the inclusion of persons from Indigenous and Native Peasant Nations and Peoples, respecting the highest scores.

**Article 92.- (Permanence)** The permanence and promotion of prosecutors in the exercise of their functions is guaranteed by the prosecutorial career. Prosecutors may not be removed, except in cases specified by law.

#### **Article 93.- (Scope and structure)**

- I. Senior prosecutors and subject matter prosecutors are subject to the prosecutorial career path.
- II. The Prosecutor Career System is composed of the following subsystems:
  1. Planning and admission.

2. Evaluation, tenure, and promotion.
3. Training.
4. Rank and information.
5. Remuneration.

**Article 94.- (Planning and admission subsystem)** The planning and admission subsystem comprises the following phases:

1. Internal and external public calls for applications.
2. Selection through merit-based competitions, competitive examinations, and skills tests, conducted in a public and transparent manner.
3. Onboarding and induction through the necessary actions to familiarize the new employee with the mission, plans, and programs of the Public Prosecutor's Office and the position they are assuming, as well as the rules to be followed.

**Article 95.- (Evaluation, tenure, and promotion subsystem)**

- I. The evaluation, tenure, and promotion subsystem comprises the set of rules and procedures for evaluating the performance of prosecutors in the fulfillment of their job responsibilities in terms of probity, transparency, suitability, and efficiency in order to determine their tenure and promotion in the prosecutorial career in accordance with the Regulations.
- II. For the purposes of the preceding paragraph, each prosecutor shall be evaluated at least once a year.

**Article 96.- (Training subsystem)**

- I. The Training Subsystem is the process of ongoing training and updating of prosecutors and other employees of the Public Prosecutor's Office, according to the needs and requirements of the service, which promotes their specialization in the functions of their position and, where appropriate, in the prosecution of certain crimes.
- II. It will be run by the State Prosecutors' School. Its functions and structure will be determined by regulations. Those who wish to join the prosecutorial career may also access these programs.
- III. This Training Subsystem must establish areas of specialization, according to the population it serves and the different needs it presents, according to gender, generational, intra- and intercultural needs.

**Article 97.- (Ranking and information subsystem)** The prosecutor ranking and information subsystem shall systematically, orderly, and permanently record the entry, performance, training, merits, demerits, promotion, and retirement of prosecutors.

## *Chapter Two Fiscal Management, Oversight, and Evaluation*

**Article 98.- (Remuneration subsystem)** The remuneration subsystem comprises the set of rules established to grant adequate remuneration to prosecutors for the performance of their duties. This remuneration shall be subject to a salary scale proportional to the responsibility of the position.

**Article 99.- (Competitive Examination Board)** For the qualification of applicants for entry into the Prosecutor's Career and vacancies in the Public Prosecutor's Office, a Competitive Examination Board shall be formed in each Department in accordance with the Regulations. Its members shall be lawyers of recognized professional standing.

- I. The Selection Board shall summon the members of the list of applicants for a personal interview and the corresponding oral and written aptitude tests. Based on this evaluation, they shall issue their opinion, which shall be binding, except in the case provided for the appointment of the Departmental Prosecutor.

## **Chapter Two** **Fiscal management, supervision, and evaluation**

**Article 100.- (Directorate of Fiscal Management, Supervision, and Evaluation)** The Directorate of Fiscal Management, Supervision, and Evaluation is responsible for ensuring the proper functioning of the Public Prosecutor's Office, promoting efficiency and effectiveness, assisting in the identification of training, education, or professional development needs of Public Prosecutor's Office employees, and evaluating the performance of prosecutors in the fulfillment of their duties, in accordance with the Prosecutorial Career. In its performance, it shall enjoy functional autonomy. It may receive general instructions from the Attorney General of the State on general aspects of its functions, in accordance with the Regulations.

**Article 101.- (Structure)** The Directorate of Fiscal Management, Supervision, and Evaluation shall be composed of the Director and the Inspectors, who may be members of the Fiscal Career. Area or regional coordinators may be appointed according to the needs of the service. Its organization and operation shall be regulated by Regulations.

**Article 102.- (Director)** The Director of Fiscal Management, Supervision, and Evaluation shall be appointed by the Attorney General of the State, following a public call for applications and a merit-based competition.

**Article 103.- (Functions)** The functions of the Director of Fiscal Management, Supervision, and Evaluation of the Public Prosecutor's Office are:

1. Establishing guidelines to standardize the exercise of criminal action, taking into account the prevalence of crime in each department.
2. To propose general instructions, manuals, and other guidelines aimed at improving the work of the prosecutor.
3. To exercise control and monitoring of the general instructions, regulations, manuals, standards, and other documents in force in the Public Prosecutor's Office for the performance of its functions.
4. Evaluate the results obtained from the exercise of criminal proceedings, using verification tools and statistics.
5. Ensure that the Public Prosecutor's Office has computer systems in place to record the actions of prosecutors and other civil servants in a timely manner, or any other means that ensures this objective.
6. Design and propose institutional management policies.
7. Propose institutional management goals considering the timeliness and efficiency of civil servants and the quality of services, taking into account the quantity, complexity, and nature of cases, as well as the human and material resources available.
8. Direct the performance evaluation process for the qualification of sufficiency or insufficiency in the position.
9. Direct the inspection processes of cases, units, or offices of the Public Prosecutor's Office.
10. Initiate disciplinary or criminal proceedings if, in the exercise of their duties, they have reliable knowledge of the probable commission of disciplinary offenses and/or crimes.
11. Propose the creation of Specialized Units and Offices, or Area Coordinations according to the needs of the service.
12. Coordinate with the School of State Prosecutors the initial, continuing, ongoing, and specialized training of prosecutors, as well as performance evaluation tools and research topics.
13. Coordinate with the Institute of Forensic Investigations on scientific programs in legal medicine, forensic investigation, and criminalistics.
14. Provide statistical information and other inputs to state institutions in the justice sector.
15. Any other duties assigned by the Attorney General.

### **Chapter Three School of State Prosecutors**

**Article 104.- (Purpose)** The School of State Prosecutors, based in the city of Sucre, is the technical academic body whose purpose is to plan, direct, and develop the training and education processes for prosecutors and

## *Chapter Four Staffing and Administrative Career*

public servants of the Public Prosecutor's Office, for the exercise of their functions.

**Article 105.- (Powers)** The powers of the School of State Prosecutors are:

1. Plan and execute training and capacity-building programs for employees of the Public Prosecutor's Office.
2. Implement training, refresher, and specialization courses.
3. Provide legal technical support to the bodies responsible for selecting prosecutors, as well as to those other bodies established for the different types of promotion within the public prosecutor's career.
4. Develop competitions for the selection of teaching staff for the State Prosecutors' School.
5. Other duties determined in accordance with the Regulations.

**Article 106.- (Dependency)**

- I. The State Prosecutors' School reports to the Attorney General and shall be headed by a Director appointed by that authority following a public call for applications, and shall have the necessary staff.
- II. Its organization and operation shall be regulated by Regulations.

**Article 107.- (Requirements to be Director)** The Director must have a professional law degree, with four years of experience and a specialization in higher education; to be eligible, they must have been appointed through a public call for applications.

**Article 108.- (Structure and training units)**

- I. Its structure and operation shall be established by regulation.
- II. The School of Prosecutors of the Public Prosecutor's Office shall have, as far as possible, training and education units in each department.

## **Chapter Four Staffing and administrative career**

**Article 109.- (Staffing)** This is the process of recruiting and selecting human resources whose specialized knowledge meets the requirements inherent to the administrative function.

**Article 110.- (Personnel)**

- I. In order to carry out its functions, the Attorney General's Office shall have the necessary administrative and technical staff, organized in accordance with the Regulations.
- II. Administrative and technical personnel shall be subject to the disciplinary provisions of the law applicable to public servants and its regulations.

**Article 111.- (Administrative career)** The administrative career covers all personnel who perform administrative functions in a relationship of dependency with the Attorney General's Office.

**Article 112.- (Vacation)**

- I. Prosecutors and employees of the Public Prosecutor's Office shall be entitled to vacation time, which shall be scheduled by the Attorney General's Office in coordination with the Departmental Prosecutor's Offices, in accordance with the Regulations.
- II. The Public Prosecutor's Office shall ensure the continuity of service when scheduling vacations.

**Article 113.- (Agreements)** The Public Prosecutor's Office may enter into agreements with public and private universities so that students in higher education courses may carry out voluntary activities within the Public Prosecutor's Office as part of their academic practice.

## **Title VI**

### **Disciplinary regime**

#### **Chapter One General Rules**

**Article 114.- (Disciplinary responsibility)** The Prosecutor shall be accountable for the results arising from the performance of his or her duties. Disciplinary responsibility is independent of civil and criminal responsibility.

**Article 115.- (Scope of application)** The Disciplinary Regime applies to all prosecutors in cases of serious and very serious offenses, except for the Attorney General.

**Article 116.- (Disciplinary Authorities)**

- I. The disciplinary authorities of the Public Prosecutor's Office in the first instance shall be the investigating officers in each department, whose number shall be determined annually by the Attorney General, according to the needs of the service. In the second instance, the Attorney General shall be the disciplinary authority.

## *Chapter Two Offenses and penalties*

- II. Investigators must meet the requirements to be a Departmental Prosecutor and shall be appointed by the Attorney General after a public call for applications, evaluation of merits, and competency examination. They shall serve for two years, with the possibility of being reappointed for the same period once, after a performance evaluation.
- III. The disciplinary authority may suspend prosecutors from their duties, without pay, while disciplinary proceedings are conducted for very serious misconduct, in accordance with the Regulations.

## **Chapter Two Offenses and penalties**

**Article 117.- (Disciplinary offenses)** Any action or omission committed by a prosecutor in the exercise of their duties, as provided for and sanctioned in this Law, shall be considered a disciplinary offense.

**Article 118.- (Classification)** Disciplinary offenses are classified as follows:

- 1. Minor offenses.
- 2. Serious offenses.
- 3. Very serious offenses.

**Article 119.- (Minor offenses)** Minor offenses are:

- 1. Unjustified absence from work for one or two non-consecutive days in a month, without prejudice to any deductions established by regulation.
- 2. Mistreatment that does not involve discrimination against parties to proceedings and prosecutorial support staff and investigators.
- 3. Absence from the place where duties are performed without just cause, without prejudice to the deductions established by regulation.
- 4. Leaving the place where they perform their duties without the respective license or authorization, and without legal justification.
- 5. Improper handling of investigation notebooks or records.
- 6. Any other action that represents negligent or careless professional conduct or delay in the performance of their duties or impairment of their objectivity, which cannot be repaired or corrected.
- 7. Performing duties unrelated to their specific tasks during working hours.
- 8. Failure to enter or record procedural and investigative actions in the computer system in a timely manner, in the manner and in accordance with the procedures established by the institution.



**Article 120.- (Serious offenses)** The following are serious offenses:

1. Culpable failure to comply with instructions or circulars received that cause damage to the criminal proceedings or the institution, provided that they have been issued in the manner provided for in this Law.
2. Unjustified absence for more than two consecutive days or three non-consecutive days in a month, without prejudice to the deductions established by regulation.
3. Unjustified failure to meet deadlines, except those provided for as very serious offenses.
4. Loss of documents, evidence, and items of proof under their care due to a lack of due care in their custody, causing harm to a proceeding or the institution.
5. Giving instructions, interfering, or exerting any kind of pressure with the aim of unduly favoring any of the parties in a criminal, administrative, or disciplinary proceeding.
6. Intentionally providing erroneous information to the parties related to the criminal proceedings.
7. Failure to provide information to the parties about the criminal proceedings, except when the proceedings have been declared confidential in accordance with the provisions of the criminal procedure, or when there is a legally established duty of confidentiality or secrecy.
8. Disseminating, by any means, information that infringes upon the constitutionally recognized rights of the parties to the proceedings or the victim.
9. Making false statements in applications or procedures for licenses, leave, commissions, authorizations, declarations of incompatibility, and salaries.
10. Providing false information in statistical reports.
11. Abuse of their position as prosecutor to obtain favorable treatment for themselves or third parties from authorities, public servants, or private individuals.
12. Unjustified absence from three or more hearings or proceedings within a year, in which their presence is mandatory under the [Political Constitution of the State](#), treaties, international agreements, and laws.
13. Failure to comply with the duty to recuse oneself, knowing that any of the grounds for recusal apply.
14. The commission of three minor offenses within a period of twelve months.
15. Accumulating deductions equivalent to ten days' pay in a year.
16. Unjustifiably suspending hearings scheduled for procedural and/or investigative proceedings.
17. Committing acts of physical violence against superiors, subordinates, coworkers, or persons involved in the investigation and criminal proceedings.

18. Failure to issue conclusive or procedural requirements within the time limits established by law.
19. Denying or failing to fulfill the duty of coordination and cooperation established in the Law on Jurisdictional Demarcation between the Public Prosecutor's Office and the Indigenous and Peasant Jurisdiction.

**Article 121.- (Very serious offenses)** The following are very serious offenses:

1. The wilful failure to comply with instructions or circulars received, which cause damage to the criminal proceedings or to the institution, provided that they have been issued in the manner provided for in this Law.
2. Unjustified absence for more than three consecutive days or five non-consecutive days within a month, without prejudice to the deductions established by regulation.
3. Attending work while intoxicated or under the influence of controlled substances.
4. Destroying, modifying, concealing, suppressing, altering, falsifying, and/or inserting or causing to be inserted false statements in resolutions, documents, evidence, or elements of proof in criminal or disciplinary proceedings, either by oneself or through another, without prejudice to the corresponding criminal proceedings.
5. Willful failure to meet deadlines that results in the extinction of criminal action, or the preclusion, abandonment, or loss of restricted appeal or cassation remedies. In this case, the appropriateness and feasibility of the remedy for the purposes of the specific case will be considered in accordance with the institution's policies.
6. To file charges or bring formal accusations knowing that they are based on evidence obtained in violation of fundamental rights and/or jurisdictional guarantees, in violation of the Political Constitution of the State, Conventions, International Treaties, and laws, or when the evidence or elements of proof are notoriously false.
7. Requesting or receiving, directly or through an intermediary, for oneself or for a third party, money, gifts, or any other advantage, or accepting an offer or promise to perform, refrain from performing, or delay an act related to one's duties, without prejudice to the corresponding criminal proceedings.
8. Accepting or exercising instructions, pressure, or orders that compromise objectivity and integrity in the performance of their duties, without prejudice to the corresponding criminal proceedings.
9. Undue subordination to any authority, person, organization, or entity that compromises the objectivity and integrity in the performance of their duties, as evidenced by well-known facts.
10. Allowing the intervention of persons outside the institution in the functions of the prosecutor, except by prior agreement or express authorization from the hierarchical authority.

11. Sexual harassment or abuse in the context of the employment relationship or the provision of services, which creates an objectively intimidating, hostile, or humiliating environment for the person or persons subjected to it.
12. Mistreatment and/or denial of access to the service on grounds of discrimination based on sex, origin, race, culture, nationality, citizenship, language, economic or social status, sexual orientation, disability, or other grounds established in the [Political Constitution of the State](#) and the laws, without prejudice to the corresponding criminal proceedings.
13. The commission of three serious offenses within a period of twelve months.
14. Withdrawing accusations or abandoning appeals without the express authorization of a superior.
15. Disclosing or publicizing facts or information learned in the course of their duties that compromises the investigation or that is subject to confidentiality.
16. Allowing police officers in the exercise of their duties who carry out direct action to engage in any act of violence, ill-treatment, or torture prohibited by the [Political Constitution of the State](#), conventions, international treaties, and laws in the exercise of their duties.
17. Having two excuses declared illegal within twelve months.
18. Issuing improper or insufficiently substantiated decisions with the aim of harming or benefiting one of the parties.
19. Returning and/or appropriating vehicles, real estate, and other movable property that has been seized, confiscated, or forfeited in an irregular manner, without prejudice to the corresponding criminal proceedings.  
Unjustified inactivity in investigative acts for 30 days or more.

**Article 122.- (Penalties)** The penalties shall be as follows:

1. For minor offenses, verbal warnings or written reprimands shall be imposed directly by the superior.
2. For serious offenses, loss of the right to promotion for one year, temporary suspension from office without pay for a period not exceeding two months, or a fine of up to 40% of monthly earnings.
3. For very serious offenses, permanent dismissal from office and consequent removal from the public prosecutor's career, without prejudice to the initiation of criminal proceedings, if applicable.
4. Once the resolution has been enforced, the sanction imposed shall be made known to the prosecutorial hierarchy and shall be immediately enforced.

**Article 123.- (Reinstatement)**

- I. Prosecutors who are subject to disciplinary proceedings shall be reinstated to their positions if the charges against them are dismissed. Reinstatement shall entail the payment of accrued earnings. Accrued earnings shall also be reinstated in the event of a penalty other than

suspension without pay or dismissal.

- II. In the case of criminal proceedings, when the final judgment is acquittal, the provisions of the preceding paragraph shall apply.

**Article 124.- (Statute of limitations)**

- I. Minor offenses shall be time-barred three months after they are committed, serious offenses twelve months after they are committed, and very serious offenses eighteen months after they are committed, except for those that constitute a crime in the exercise of their duties.
- II. If the offender concealed the evidence in such a way as to prevent knowledge of the offense, the statute of limitations shall begin to run from the day on which such impediment ceases.
- III. The statute of limitations shall be interrupted upon the filing of a complaint.
- IV. In cases where the acts are not subject to a statute of limitations, the statute of limitations shall not apply.

**Article 125.- (Criminal liability of the Attorney General)** The Attorney General shall be tried in a trial of responsibilities for crimes committed in the exercise of his or her duties, in accordance with the [Political Constitution of the State](#) and the Law.

## **Chapter Three**

### **Disciplinary proceedings for serious and very serious offenses**

**Article 126.- (Commencement of proceedings)** Disciplinary proceedings shall be initiated upon verbal or written complaint by any person, or by the hierarchical authority, ex officio, accompanied by the relevant background information. It shall be brought before the investigating authority in accordance with the Regulations, following the guidelines of this Law.

**Article 127.- (Summary proceedings)**

- I. Once the complaint has been received, the investigating authority may accept or reject it within a period of no more than forty-eight hours.
- II. Once the complaint has been admitted, a ten-day trial period will begin for both parties, starting from the date of notification of the admission of the complaint.
- III. Once the trial period has ended, the date and time of the summary hearing will be set ex officio within the following three business days.
- IV. Once the hearing has begun, the prosecutor may admit or deny responsibility, the parties' arguments will be heard, and a decision will be issued at the same hearing.

**Article 128.- (Hierarchical appeal)**

- I. The decision taken by the summarizing authority may be appealed to a higher authority within three business days. If the decision is not appealed, it shall be communicated to the Attorney General for immediate enforcement.
- II. The investigating authority shall forward the case file to the Attorney General within twenty-four hours. The Attorney General shall issue a ruling within five days, without the right to further appeal, under his or her responsibility.

**Article 129.- (Communications)** In these proceedings, requests may be made and appeals may be filed via email or fax.

## **Chapter IV**

### **Disciplinary Regime Directorate**

**Article 130.- (Disciplinary Regime Directorate)**

- I. The Disciplinary Regime Directorate is responsible for assisting in investigations conducted by the investigating authorities, when requested to do so in cases of serious and very serious offenses.
- II. It is also responsible for evaluating the performance of the disciplinary investigating authorities.

**Article 131.- (Structure)** The Disciplinary Regime Directorate shall be composed of the Director, the Disciplinary Investigators, who may be members of the Public Prosecutor's Office, and who shall be appointed by the Attorney General following a public call for applications and a merit-based competition.

**Article 132.- (On the Directorate)** The Director of Disciplinary Affairs shall be appointed by the Attorney General, following a public call for applications and a merit-based competition, with special consideration given to candidates who belong to the Public Prosecutor's Office, in accordance with the Regulations.

To be Director of Disciplinary Affairs, the requirements for being a Departmental Prosecutor must be met. The term of office shall be four years, and the Director shall be subject to an evaluation of performance in the position. The Director may appoint regional coordinators as needed.

He or she may be reappointed provided that he or she participates in the corresponding call for applications and merit-based competition after a period of time.

## **Title VII**

### **Economic and Financial System**

## **Chapter One Financial and Administrative Autonomy**

**Article 133.- (Financial autonomy)** The Attorney General's Office shall prepare the annual budget proposal for the Public Prosecutor's Office and shall administer its resources autonomously and subject to oversight.

**Article 134.- (Resources)** The resources of the Public Prosecutor's Office are:

1. The annual allocations from the General Treasury of the Nation, which shall be sufficient to ensure the fulfillment of its functions.
2. Its own resources from:
  - a) 50% of the monetary value of assets confiscated for crimes involving controlled substances, public corruption, or organized crime, when a final judgment has been issued.
  - b) 50% of the monetary value of the proceeds from the auction of goods seized for customs or tax offenses, when there is an enforceable judgment.
  - c) Donations and bequests from national or foreign public or private individuals or entities.
  - d) Resources from inter-institutional agreements with national or foreign institutions or agencies entered into by the Public Prosecutor's Office.
  - e) Resources from the sale of its assets, subject to approval by the Plurinational Legislative Assembly.
  - f) Credits or loans contracted in accordance with the rules of the National Treasury and Public Credit System.
  - g) And other resources of its own.

**Article 135.- (Use of own resources)** Own resources shall be used to create a special budget item that may only be used for:

- I. Institutional strengthening, including:
  1. Infrastructure and equipment for the institution, regardless of what is provided by the State.
  2. Training of prosecutors and public servants.
  3. Development of studies and research.
- II. Maintenance of programs to support and protect victims, witnesses, prosecutors, civil servants, and persons who have collaborated in criminal prosecutions.
- III. Own resources may not be used to pay salaries or special allowances to members of the Public Prosecutor's Office, except

when agreements or donations so establish in accordance with the law.

## **Chapter Two Administrative and Financial Management**

### **Article 136.- (Function)**

- I. The Administrative and Financial Directorate is responsible for the administration, use, and disposal of the assets, property, and economic resources of the Public Prosecutor's Office, in accordance with the law.
- II. It shall be headed by a director appointed by the Attorney General, following a public call for applications, who shall serve for a period of four years and shall have the necessary staff, who shall be required to provide a bond or guarantee for the performance of their duties equivalent to twenty minimum wages.

**Article 137.- (Structure)** Its organization and operation shall be regulated by regulations.

**Article 138.- (Powers)** The Administrative and Financial Director shall have the following powers:

1. To prepare and propose to the Attorney General the annual budget and its Annual Operating Program.
2. Ensuring the availability of the materials and resources necessary for the institution to perform its functions.
3. Execute and authorize expenses, purchases, and contracts, except those that the Attorney General determines require his or her authorization.
4. Coordinate with the Executive Branch and the Comptroller General of the State on matters of finance, treasury, and government control, in accordance with the law.
5. Advise the Attorney General on administrative and financial matters relating to the institution.
6. Propose the creation of Administrative and Financial Units to the Attorney General.
7. Any other powers expressly delegated by the Attorney General.

**Article 139.- (Responsibility for financial management)** The Administrative and Financial Director, the heads of units, and other public servants in the administrative area of the Public Prosecutor's Office are responsible for the management of assets, property, resources, and their results in accordance with the law.

## *Chapter Two Administrative and Financial Management*

**Article 140.- (Budget)** In accordance with its program of operations, the Public Prosecutor's Office shall submit its annual budget proposal for consideration and approval by the Plurinational Legislative Assembly.

**Article 141.- (Administrative and financial decentralization)** This is the power of the Public Prosecutor's Office to decentralize its services and administer its resources.

### **Additional provisions**

#### **Article 1.**

- I. The requirement to speak two official languages in order to be a prosecutor shall be applied progressively, in accordance with a teaching plan implemented by the School of State Prosecutors, and shall be completed with the corresponding training within a maximum period of three years.
- II. To become a prosecutor in areas where an indigenous language is spoken by the majority of the population, it shall be a requirement to speak that language.

**Article 2.** Within ninety days of taking office, the Attorney General shall order audits of the assets and liabilities of the Public Prosecutor's Office. He or she shall also order inventories, accounting closings, and other administrative measures.

### **Transitional provisions**

#### **Article 1.**

- I. Prosecutors, support staff, and other employees of the Public Prosecutor's Office currently in office may continue in their positions until the appointment of new employees of the Public Prosecutor's Office.
- II. Prosecutors who have entered the prosecutorial career or are in a probationary period in accordance with [Law No. 2175](#), in order to remain in the prosecutorial career, within 90 days of the publication of this Law, through a public and participatory process, shall be subject to an evaluation of their performance in their duties, using criteria of probity and objectivity, which shall determine their suitability or unsuitability to continue in office in accordance with the regulations approved for this purpose.

**Article 2.-** Until Senior Prosecutors or Prosecutors for Specific Matters are appointed to the prosecutorial career, or support staff for the prosecutorial function is institutionalized in accordance with this Law, the Attorney General may appoint them on an interim basis to fill vacant positions.



**Article 3.-** Until the organization of the hierarchy and the prosecutorial career is established, on a one-time basis, the procedure for the appointment of Departmental Prosecutors shall be the responsibility of the Attorney General.

**Article 4.-** Cases under disciplinary investigation, and those without charges, shall be processed and resolved by the Investigating Authority established in this Law.

Disciplinary proceedings with complaints and without resolution shall continue to be processed in accordance with [Law No. 2175](#) and must be concluded within a maximum period of one hundred and eighty days for the resolution of the case, under the responsibility of the competent authority.

**Article 5.-** Until the new law on administrative responsibility for public servants in matters of disciplinary regime is enacted, the [Law on the Statute of Public Servants](#) and its regulations shall apply.

### **Final provision**

**Sole Article.-** Within one hundred and eighty days of taking office, the Attorney General shall draw up the regulations established in this Law.

### **Repeal and derogation**

**Sole Article.-** [Law No. 2175](#), Organic Law of the Public Prosecutor's Office dated February 13, 2001, is hereby repealed, and all provisions contrary to this Law are hereby repealed, in accordance with the transitional provisions.

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Forward to the Executive Branch for constitutional purposes.

Given in the Chamber of the Plurinational Legislative Assembly, on the twenty-seventh day of June of the year two thousand twelve.

Signed: Lilly Gabriela Montaña Viaña, Richard Cordel Ramírez, Mary Medina Zabaleta, David Sánchez Heredia, Luis Alfaro Arias, Angel David Cortéz Villegas.

Therefore, I hereby enact it to be observed and enforced as a law of the Plurinational State of Bolivia.

Government Palace of the city of La Paz, on the eleventh day of July of the year two thousand twelve.

Signed: EVO MORALES AYMA, David Choquehuanca Céspedes, Juan Ramón Quintana Taborga, Carlos Gustavo Romero Bonifaz, Luis Alberto Arce Catacora, Cecilia Luisa Ayllon Quinteros, Claudia Stacy Peña Claros.

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## Links to other documents

### Repeals

- [BO-L-2175] [\*Bolivia: Organic Law of the Public Prosecutor's Office, February 13, 2001\*](#)  
Organic Law of the Public Prosecutor's Office

### See also

- [BO-L-2027] [\*Bolivia: Civil Service Statute Law, October 22, 1999\*](#)  
Civil Service Statute Act
- [BO-L-2175] [\*Bolivia: Organic Law of the Public Prosecutor's Office, February 13, 2001\*](#)  
Organic Law of the Public Prosecutor's Office
- [BO-CPE-20090207] [\*Bolivia: Political Constitution of the State of 2009, February 7, 2009\*](#)  
Political Constitution of the State of 2009

## References to this law

- [BO-L-N344] [\*Bolivia: Law No. 344, February 26, 2013\*](#)  
Extends, on a one-time basis, the term established in the Fourth Transitional Provision of Organic Law No. 260 of July 11, 2012, on the Public Prosecutor's Office.
- [BO-L-N348] [\*Bolivia: Comprehensive Law to Guarantee Women a Life Free of Violence, March 9, 2013\*](#)  
Establish comprehensive mechanisms, measures, and policies for the prevention, care, protection, and redress of women in situations of violence, as well as the prosecution and punishment of aggressors, in order to guarantee women a dignified life and the full exercise of their rights to Live Well.
- [BO-L-N400] [\*Bolivia: Law on the Control of Firearms, Ammunition, Explosives, and Other Related Materials, September 18, 2013\*](#)  
LAW ON THE CONTROL OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS
- [BO-L-N548] [\*Bolivia: Code on Children and Adolescents, July 23, 2014\*](#)  
Code for Children and Adolescents
- [BO-L-N913] [\*Bolivia: Law on Combating Illicit Trafficking in Controlled Substances, March 23, 2017\*](#)  
MARCH 16, 2017.- LAW ON COMBATING ILLICIT TRAFFICKING IN CONTROLLED SUBSTANCES
- [BO-DS-N3834] [\*Bolivia: Supreme Decree No. 3834, March 13, 2019\*](#)  
MARCH 13, 2019.- "ADELA ZAMUDIO" REGISTRATION AND IMMEDIATE ALERT SYSTEM OF THE SPECIAL FORCE FOR THE

*References to this standard*

FIGHT AGAINST VIOLENCE - FELCV

[BO-L-N1173] *Bolivia: Law on Criminal Procedure Abbreviation and Strengthening the Comprehensive Fight Against Violence Against Girls, Boys, Adolescents, and Women, May 8, 2019*

MAY 3, 2019.- LAW ON CRIMINAL PROCEDURAL ABBREVIATION AND STRENGTHENING THE COMPREHENSIVE FIGHT AGAINST VIOLENCE AGAINST CHILDREN, ADOLESCENTS, AND WOMEN.

[BO-L-N1226] *Bolivia: Law No. 1226, September 23, 2019*

LAW AMENDING LAW No. 1173 OF MAY 3, 2019, ON CRIMINAL PROCEDURAL ABBREVIATION AND STRENGTHENING THE COMPREHENSIVE FIGHT AGAINST VIOLENCE AGAINST CHILDREN, ADOLESCENTS, AND WOMEN.

## **Important note**

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