

Press Release

# Akerman's Ilana Tabacinic Teams with Harvard Law School, the Center for Constitutional Rights and Akin Gump to Achieve Landmark Decision in Historic International Human Rights Case Against Former Bolivian President and Defense Minister

April 3, 2018

Jury Finds Former Head of State Responsible for Extrajudicial Killings of Indigenous People

Akerman LLP, a top 100 U.S. law firm serving clients across the Americas, in collaboration with the Center for Constitutional Rights, Harvard Law School's International Human Rights Clinic, and co-counsel, Akin, Gump, Strauss, Hauer & Feld, LLP, obtained a jury verdict today after six days of deliberations of \$10 million against the former president of Bolivia Gonzalo Sanchez de Lozada and his former minister of defense Jose Carlos Sanchez Berzain for extrajudicial killings carried out by the Bolivian military during a period of civil unrest in September and October 2003. The decision comes after a ten-year legal battle spearheaded by family members of those killed in what is known in Bolivia as the "Gas War." The first case of its kind under the Torture Victim Protection Act, it marks the first time in U.S. history a former head of state sat before his accusers in a U.S. human rights trial.

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Ilana Gorenstein

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Akerman's litigation partner Ilana Tabacinic served as pro bono co-counsel representing the Bolivian plaintiffs against former Bolivian President and former Defense Minister, both of whom have lived in the United States for more than a decade.

“This is a historic case, which marks the first time in United States history that a former head of state sat before his accusers in a trial for extrajudicial killings in a U.S. civil court,” said Tabacinic. “Human rights pro bono work is necessary to protect vulnerable populations and ensure all persons have equal access to justice. It has been an honor to assist the families who have long-awaited the verdict we achieved today.”

In *Mamani v. Sánchez de Lozada and Sánchez Berzaín*, the families of eight Bolivians killed filed suit against Sánchez de Lozada and Sánchez Berzaín in 2007, alleging that the two men planned and ordered the extrajudicial killings. In 2016, a U.S. appeals court held that the plaintiffs could proceed with their claims under the Torture Victim Protection Act (TVPA). Sánchez de Lozada and Sánchez Berzaín then sought and were denied a review by the U.S. Supreme Court in 2017. The case subsequently moved forward in U.S. District Court and, after a review of the evidence gathered by both sides, District Court Judge James I. Cohn ruled on February 14 that the plaintiffs had presented sufficient evidence to proceed to trial. The three-week trial included the testimony of witnesses from Bolivia who recounted their experiences of the 2003 killings as well as testimony from the Defendants.

Final judgment to be entered after resolution of defendants' motion for judgment as a matter of law.

### **About Akerman**

Akerman LLP is a top 100 U.S. law firm recognized by *Financial Times* as among the most forward thinking firms in the industry. Its more than 650 lawyers and business professionals collaborate with

the world's most successful enterprises and entrepreneurs to navigate change, seize opportunities, and overcome barriers to innovation and growth. Akerman is known for its results in middle market M&A and complex disputes, and for helping clients achieve their most important business objectives in the financial services, real estate, and other dynamic sectors across the United States and Latin America.