

.....PARAGUAY

Conscription: Recruitment of children, routine ill-treatment and unexplained deaths.

Introduction

The Paraguayan government is repeatedly failing in its duty to protect its military conscripts, often illegally recruited children, from human rights violations. The Paraguayan government must ensure that the Paraguayan armed forces and national police act in a transparent and accountable fashion, and that they comply fully with national law and international human rights standards.

Amnesty International continues to receive reports of the recruitment of children into the Paraguayan armed forces and national police, of the torture and routine ill-treatment of conscripts by their superiors, and unclarified deaths of conscripts. The lack of transparency and apparent attempts to conceal or limit access to the truth demonstrates a lack of willingness on the part of authorities to investigate alleged human rights violations and to clarify the deaths of conscripts. The organization believes that the failure of the Paraguayan authorities to take effective action is allowing these human rights violations to continue.

Since 1990 seventy-nine recruits have died during their military service, including eight in the year 2000, six of whom were children who should have been prohibited from carrying out military service in accordance with the Paraguayan Constitution¹. One of these children was Pedro Antonio Centurión, of Argentine nationality, who died during military service when he was fourteen years old. He had been illegally recruited aged thirteen and his birth certificate had been falsified. Not only had his age been altered on his army records but also his nationality.

Almost all cases involving deaths or ill-treatment of recruits in Paraguay remain under military justice and are not brought before the civilian justice system. Families of victims and their legal representatives are not allowed access to ongoing cases before the military courts. They are denied all knowledge of cases, cannot provide or contest evidence or take part in the process. They are not informed of the sentences of the courts which are carried out in secret.

1 The Paraguayan Constitution stipulates that recruits be at least 18 years of age to serve in the armed forces (or 17 in the year of their 18th birthday).

Even in those cases where civilian justice has conducted parallel investigations, they are hampered by the refusal of the Commander in Chief of the armed forces to cooperate in providing background information or allowing military officials to testify. In most cases of deaths of conscripts, the body is returned to the family in a sealed box with little, if any, explanation of how the recruit died.

There is no legal provision for reparation, including compensation for the families of the victims, although in exceptional cases the relatives of victims have been able to claim modest pensions.

Recruitment of Child Soldiers

After the death of fourteen-year-old conscript Pedro Antonio Centurión in September 2000 four other child conscripts, who were also serving with him, deserted. César Francisco Pereira (15), Carlos Alberto Insfrán (15), Tranquilino Gómez (17) and Oscar Insfrán (16) all fled from the Vista Alegre barracks in Puerto Falcón, near Asunción, and subsequently testified to ill-treatment. A preventative Habeas Corpus was presented on their behalf before a Judge of Constitutional Guarantees (*Juez de Garantías Constitucionales*), who ordered that they should be released from military service.

In July 1999 the Inter-American Commission on Human Rights (IACHR) of the Organisation of American States (OAS), conducted an on-site visit to Paraguay to observe the general human rights situation at the invitation of the government. Among its recommendations it called "for all measures to ensure full respect for the human rights of individuals enlisted in obligatory military service, for those responsible for human rights violations committed against soldiers to be tried and punished, and, in such cases, for the soldiers or their families to receive adequate compensation"².

During the visit the IACHR "received complaints of excesses being committed during exercises and physical punishments that left physical and mental after effects" and also "heard that soldiers have on occasions been killed in incidents that generally go unpunished because it is highly unlikely that the military courts will establish responsibility". The IACHR also received information about children doing military service, which it said "would account for more than 50 percent of all conscripts (including children as young as 12)" and is "in contravention of Paraguayan law (Law 569/75), which specifically forbids recruiting those younger than 18". Although that law does stipulate that in exceptional cases the age for recruitment can be brought forward with parental authorization, parents' permission is often not sought.

The IACHR pointed out that "the UN Convention on the Rights of the Child, which Paraguay has ratified, expressly and universally precludes military service by children aged under 15". The commission added that "since human rights cannot be waived, military service must solely be performed by those who are aged over 18, and minors must not be admitted, even with their parents' consent".

2 Press release 23-99 of the Inter American Commission on Human Rights.

The Paraguayan government has to date failed to take effective action to address the concerns of the IACHR and Amnesty International, showing a lack of institutional commitment to combat the recruitment of child soldiers.

The lack of transparency in the Paraguayan armed forces and national police makes it impossible to accurately determine the number of conscripts who are under eighteen. However, in "Derechos Humanos y Paraguay 2000" the non-governmental organization Servicio Paz y Justicia Paraguay (Serpaj-Py) reported that despite the legal prohibition on the recruitment of children into the armed forces and police, according to their estimates only 20% of the troops are 18 years or older (approximately 2,600 people) with 80% being 17 years or under (approximately 10,400 people). Of these approximately 30.3% (4,000) are 15 years or under and the average age is 16.4 years. The figures are based on a sample of conscripts who denounced human rights violations and whose age is known. Official information on the age of soldiers is not published by the Paraguayan armed forces and national police³. In fact the only official statistic available is that included in the *Ley de Presupuesto*, budget law, which fixes the number of places for soldiers in the armed forces and national police. However it is thought that the actual statistic could be considerably lower. Nonetheless, according to the budget for the year 2000 there were 5,240 conscripts in the national police and 12,978 soldiers in the armed forces (10,484 in the army; 1,677 in the navy and 817 in the air force).

Paraguayan Law

³ The *Dirección del Servicio de Reclutamiento y Movilización*, Recruitment and Mobilisation Service Directorate, is the body in charge of carrying out Law 569, which regulates obligatory military service, under the orders of the Commander in Chief of the Armed Forces and the head of the Directorate. This is the body that is responsible for the compilation of armed forces statistics in accordance with Law 569.

Article 129 of the 1992 Paraguayan Constitution stipulates that military service is compulsory for all male Paraguayans. Military service is regulated by Law 569 of 24 December 1975 which provides that, from 18 to 19 years of age military service must be carried out on a permanent basis either in the armed forces or the national police force. A 1999 report of the Coalition to Stop the Use of Child Soldiers⁴ noted that there were some 12,900 conscripts in the Paraguayan armed forces and some 4,000 conscripts in the national police. The 1992 Constitution provides for conscientious objection and an estimated number of youths, in excess of 3000, have since refused military conscription on the grounds of conscientious objection.

Every year a Presidential decree calls up those eligible to carry out military service. This decree expressly establishes the year of birth of those called up, and covers those between 18 and 26 years of age. In 1995 the then Commander in Chief of the Armed Forces, Ing. Wasmosy, ordered that no more children should be recruited into the armed forces⁵. This order, stating what is already established in Paraguayan law, was reiterated by the government of Raúl Cubas Grau in March 1999⁶. Despite these orders the armed forces and national police continue to recruit children, frequently visiting rural areas to forcibly round-up conscripts.

In Paraguay it is a penal offence to recruit children younger than the established age and Article 56 of Law 569/75 states that authorities who recruit children will be dismissed or unable to occupy official posts for five years. It also states that parents, guardians or those responsible for the child concerned can report his recruitment to the nearest authority who must immediately relay it to the Command in Chief of the national armed forces:

"Las autoridades que recluten a menores de diez y ocho años de edad o retengan en el servicio a exonerados legalmente, salvo lo previsto en esta Ley, sin perjuicio de la responsabilidad penal serán destituidos o inhabilitados por cinco años para ocupar cargos públicos. Los padres, tutores o responsables del afectado podrán denunciar el hecho a la autoridad más próxima que deberá comunicar inmediatamente al Comando en Jefe de las Fuerzas Armadas de la Nación."

4 The Use of Children as Soldiers in Latin America - A country analysis of child recruitment and participation in armed conflict, Latin American and Caribbean Conference on the Use of Children as Soldiers, Montevideo, Uruguay, 5-8 July 1999.

5 The orders were given on 10 March 1995 and 12 June 1995.

6 Circular N°2 of 6 March 1999 reiterated the previous orders given by Ing. Wasmosy.

International Standards

The Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by consensus on 25 May 2000 by the United Nations General Assembly, establishes 18 as the minimum age for conscription and seeks to prevent the use of soldiers under the age of 18 in combat situations. The treaty applies to both national armed forces and to non-governmental armed groups. It was signed by Paraguay in September 2000 and is awaiting ratification. However the treaty fails to establish 18 as the minimum age for voluntary recruitment into government armed forces. Amnesty International and other human rights non-governmental organizations advocate the adoption of a "straight 18" policy, setting 18 as the minimum age for all forms of military recruitment and service, including enlistment with parental consent.

"Voluntary" Child Soldiers

The Latin American and Caribbean Conference on the Use of Children as Soldiers, held in Montevideo, Uruguay, from 5 to 8 July 1999 stated its determination to put an end to the use of any child under 18 years of age as soldiers declaring that their use is "contrary to the spirit of comprehensive protection promoted in the Convention on the Rights of the Child, even where the child under 18 years claims or is claimed to be a volunteer" and considered it "a priority aim to achieve the eradication of forced or voluntary recruitment of children under 18 years of age by the armed forces and any armed group..."⁷

Amnesty International welcomes the fact that Paraguayan law criminalizes the recruitment of children under 18 years of age into the armed forces, but urges the authorities to ensure that the law is respected in practice and that those responsible for breaking the law are brought before the appropriate judicial authorities.

Amnesty International believes that the lack of adequate procedures to verify the correct age of conscripts is often used by the armed forces and police to shift the responsibility for the recruitment of children away from themselves by arguing that the children who are recruited often lie about or falsify their age in order to be able to join. Law 569/75 establishes that the *Juzgados de Paz*, Justices of the Peace, will participate in the procedures of the enrollment of conscripts; however this is often

⁷ The Use of Children as Soldiers in Latin America - A country analysis of child recruitment and participation in armed conflict, Ibid.

ignored by the judiciary as there have been recorded cases of the falsification of birth certificates and apparent parental signatures, supposedly witnessed by *Juzgados de Paz*, verifying incorrect dates of birth. Amnesty International believes that the government has an obligation to ensure that adequate procedures are in place so that there can be no doubt as to the actual age of conscripts in accordance with the Paraguayan Constitution requiring potential conscripts to prove their age. Therefore, the onus is on the State to ensure that conscripts are legally eligible to enrol and not on the recruitee.

On 31 January 2000 decree law N°7.302 created an internal armed forces commission to verify the respect for the minimum age during recruitment periods⁸. This commission is comprised of the Chief of Staff (*Jefe del Estado Mayor Conjunto*), the President of the Military Justice Supreme Court and the Vice-Minister of National Defense. One year after its establishment Amnesty International has received no information as to any results and conclusions of this commission.

Although Amnesty International does not question the right of governments to conscript individuals over the age of 18 years into the armed forces, the organization insists, in keeping with international standards, that all those liable for conscription be given the opportunity to perform a genuinely civilian alternative to service in the armed forces on the grounds of their conscience or profound conviction. On this basis, Amnesty International views with concern that the right to conscientious objection is seen to be applied arbitrarily without having to meet established criteria. The organization also urges the Paraguayan authorities to ensure that there is no time restraint on conscientious objection, as conscientious objection may be acquired during military service. Therefore it must be legally recognized that conscripts may develop a conscientious objection to military service after enrolment.

8 *Derechos Humanos en Paraguay 2000, "Fuerzas Armadas y Derechos Humanos"*.

Reports of the ill-treatment and torture of conscripts, including children

Amnesty International continues to receive serious reports of the ill-treatment of conscripts, including the ill-treatment of children who are illegally recruited⁹.

One of the many reports of ill-treatment of conscripts received by Amnesty International was that of a sixteen-year-old conscript, **Rosalino Ortiz**, who ran away from his barracks twice, alleging ill-treatment. In January 2000 his mother stated that he had been beaten by a superior:

"...my son was hit a lot, and he escaped arriving at my house very beaten up, with his nose bleeding, and bruises on his back, that was when I took him back. After 10 days he escaped again after more ill-treatment... and I don't know what further ill-treatment he received before he escaped again."

("...le pegaba mucho a mi hijo, y él se escape y se fue a mi casa muy golpeado, con la nariz sangrando, y con moretones en la espalda, fue cuando yo le volví a traer otra vez. Luego de aproximadamente 10 días vuelve a escaparse por otro maltrato... y no sé qué trato recibió antes de volver a escaparse."¹⁰)

According to Serpaj-Py, which has received reports from conscripts, physical and psychological punishments as well as excessive physical exercises are administered in a generalized and systematic fashion against conscripts in the armed forces and national police causing both mental and physical harm. These punishments are often used to make soldiers follow orders and to punish acts of disobedience or failure to carry out orders correctly.

In the last year Amnesty International has received several reports of the torture and ill-treatment of conscripts carrying out their military service. Amongst them was that

9 The definition of torture contained in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Paraguay is party to, states that: "For the purposes of this convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

10 ABC Color, 25 January 2000.

on 26 January 2000 three military conscripts deserted from the *Regimiento de Caballería N°2*, Cavalry Unit N°2, at Cerrito, Presidente Hayes department. **Brigido Martínez** (15), **Pedro Edgar Aquino** (16) and **Bernadino Acuña** (16) then filed a criminal complaint of ill-treatment in the barracks by a superior. They were reportedly beaten over the nine days that they were in the barracks with broomsticks and machetes. The children were then allowed to return to their families.

In September 2000¹¹ seventeen-year-old **Reinaldo Morínigo** deserted from the *Unidad de Caballería de Curuguaty*, Curuguaty Cavalry Unit, San Pedro department, arrived at the Paraguayan Parliament where he asked for protection. Reinaldo Morínigo reportedly alleged that he had been subjected to constant physical ill-treatment by three superiors as he had been unable to do certain movements with his arm. He also reported that his documents were tampered with to show that he was eighteen years old when he was in fact seventeen. Senator Elba Recalde met with the Commander of the armed forces, Vicealmirante Miguel Angel Candia, to request that Reinaldo Morínigo be discharged subject to a medical examination, but Reinaldo was denied an examination on the grounds that he had deserted. Reinaldo Morínigo refused to return to the Cavalry Unit.

Another soldier, **Lorenzo Maldonado**, also reported ill-treatment before the Paraguayan Senate on 21 November 2000. He complained that whilst carrying out military service, assigned to *II División de Caballería*, II Cavalry Division, Ñeembucú department, he was hit on the head by a superior using a machete. Lorenzo Maldonado was later transferred to another military unit to complete his military service. Amnesty International has not received reports of any disciplinary action taken against the superior.

Amnesty International is extremely concerned at these reports and at the failure of the Paraguayan authorities to take effective steps to investigate and prevent the ill-treatment and torture of conscripts of all ages. Such steps include the immediate suspension of anyone suspected of committing acts of torture or ill-treatment, and the initiation of an independent, impartial and conclusive investigation into the allegations, with those found responsible brought to justice.

Failure to investigate the deaths of conscripts

11 [ABC Color](#), 27 September 2000.

Amnesty International remains concerned at the failure of the Paraguayan authorities to ensure that independent, impartial and conclusive investigations are carried out into the unexplained deaths of military conscripts.

The *Asociación de Familiares de Víctimas del Servicio Militar Obligatorio* (AFAVISEM), Association of Relatives of Victims of Obligatory Military Service, has repeatedly denounced the Paraguayan State for its failure to fully investigate the deaths of “more than 100 adolescents” since 1990, for the lack of transparency in investigations and for conducting investigations that do not allow the direct participation of the parents of soldiers who have died. In September 2000 AFAVISEM filed a legal petition (*Acción de Amparo*), which denounced the absence of conclusive investigations in the cases of a number of children who died during obligatory military service. This was not granted.

AFAVISEM is headed by María Noguera, mother of **Vicente Ariel Noguera** who was seventeen years old when he died during military service. He had been assigned to the *Tercer Cuerpo del Ejercito*, Third Army Corps, Mariscal Estigarribia, Chaco department and died on 11 January 1996. On 17 January 1996 María Noguera requested an investigation by the Attorney General, *Fiscal General del Estado*, into her son’s cause of death during his second period of military service. On 29 July 1996 María Noguera again wrote to the Attorney General. She officially requested the Public Ministry to call for a judicial investigation into the death of her son and asked for those found responsible to be punished, after receiving testimonies from her son’s fellow conscripts and reviewing other information on his death. In the letter María Noguera requested and authorised a new autopsy on her son after receiving reports that he may have suffered a severe blow to his head. On 21 August 1996 the Attorney General ordered the body of Vicente Noguera to be exhumed and a new autopsy be carried out. This took place on 9 September, but investigations have failed to progress. In October 2000 the case of Vicente Ariel Noguera was presented to and admitted by the Inter-American Commission of Human Rights (IACHR) of the Organisation of American States (OAS). The Paraguayan State was given a period of three months in which to reply. According to reports the Paraguayan State submitted a report within this period.

AFAVISEM has also sought to draw attention to the inadequate conditions in which conscripts carry out their military service. This includes a lack of training, failure to meet basic needs such as providing food, beds, medical attention, medicines, and dentists. On 18 July 2000 a seventeen year old conscript, assigned to the *Comisaría*

Policia de Santafé, Police Station of Santafé, Alto Paraná, died three months after receiving a gunshot wound to his foot for which he received no medical attention. **Sydney Moraes** was from a poor background and although his father came to treat him he did not receive proper medical attention or medicine. Eventually the Church intervened to take him to a health centre, but he received no treatment as the Police station was allegedly unable to pay for it.

Despite the tireless efforts of AFAVISEM over several years, families are still struggling in vain to find out what happened to their relatives. After exhausting all avenues open to them by the Paraguayan State, in October 2000 two non-governmental organizations, Serpaj-Py and the *Centro por la Justicia y el Derecho Internacional* (CEJIL), Centre for Justice and International Law, as well as relatives of two "disappeared" conscripts, **Marcelino Gómez Paredes** and **Cristian Ariel Núñez Lugo**, presented their case to the IACHR of the OAS. The case was admitted on 25 October as case "12.330 - Paraguay" and the Paraguayan State was given 90 days in which to submit a report on the case. According to the USA Department of State country report 2000 on Paraguay, in November the Paraguayan government accepted responsibility, before the IACHR, for the deaths of the conscripts.

Military conscripts Marcelino Gómez Paredes (15) and Cristian Ariel Núñez Lugo (14) "disappeared" from the *Destacamento Militar N°1 "Gral Patricio Colmán"*, de la V Division de Infantería, "General Colmán" detachment, of the V Infantry Division, in Lagerenza, Chaco department, in January or February 1998. On 14 June 2000 the relatives of the conscripts filed a Habeas Corpus petition before the Supreme Court of Justice, *Sala Penal de la Corte Suprema de Justicia*, asking the Court to order the Commander-in-Chief of the armed forces to produce the two conscripts and to provide a report about their "disappearance". On 12 July the Supreme Court of Justice rejected the petition on the grounds that the whereabouts of the conscripts was unknown ("*No hacer lugar al Habeas Corpus Reparador por desconocimiento del paradero de las personas mencionadas en el pedido*").

Amnesty International is concerned that the Paraguayan authorities have failed to ensure that the Paraguayan armed forces adequately explain what has happened to the two conscripts. The organisation calls for the Paraguayan authorities to open a full, independent and conclusive investigation into their whereabouts without further delay. Amnesty International also reminds the Paraguayan state of its obligation, as a member state of the OAS, to cooperate fully with the IACHR.

Amnesty International urges the Paraguayan authorities to extend all cooperation and support to the relatives of conscripts who have died during military service in their legitimate search for the truth that the authorities have denied them.

Sixteen year old **Miliciades Ojeda** died on 16 January 2000. He had been assigned to the *Tercer Cuerpo del Ejército*, Third Army Corps, in Mariscal Estigarribia, Chaco department. His family was told that he had fallen off a tractor belonging to the army hitting his head. He was taken to the Regional Hospital of Mariscal Estigarribia¹² and later transferred to the Military Hospital in Asunción where he died. According to reports, a doctor in the medical team that examined him, stated that it was improbable that the soldier received such a strong blow to his head after falling from a tractor - a fall of 1.8 metres¹³. After the death of Miliciades Ojeda, the parents of fifteen other underage soldiers who served with him, asked the authorities to allow them to take their children home. When they were refused permission the conscripts declared themselves to be conscientious objectors. Investigations into the death of Miliciades Ojeda continue under the civilian justice system, but Amnesty International has not learnt of any progress in this case.

Relatives of seventeen year old **Ricardo Lugo Maciel** reported that he died on 18 March 2000 from a gunshot wound. He was assigned to the *Comisaría N°10 de la Colonia Fram*, Police Station N°10 of the Fram district, Encarnación, Itapúa department.

Another conscript, seventeen year old **Guillermo Daniel Patiño** died on the 17 May 2000. He was assigned to the *Dirección del Servicio de Reclutamiento y Movilización (DISERMOV) de las FFAA*, Air Force Recruitment and Mobilisation Service, and died following a gunshot wound. According to military information he was eighteen at the time of his death and reports failed to clarify the circumstances of it, with one pointing to suicide and another failing to explain the gunshot wound which led to his death. There has been no progress in the investigation, carried out in the military justice system, into his case.

Hugo Javier Ramírez (18) died following a gunshot wound only two days before his obligatory military service was due to finish. His family refused to accept that he committed suicide as the wound indicated that the bullet entered through his stomach

12 [ABC Color](#), 7 February 2000.

13 [ABC Color](#), 24 February 2000.

and exited through his buttocks. The relatives believe that this suggests he could not have fired the shot himself. Hugo Javier Ramírez was assigned to the *Comisaría 84 de Edelira 70*, Police Station 84 of Edelira 70, Itapúa department, and died on 3 July 2000. No autopsy was carried out.

Seventeen year old **Ilsón de Moura Suarez**, assigned to the *Comisaría 17 de Santa Rosa del Monday*, 17th Police Station of Santa Rosa del Monday, in the city of Ciudad del Este, died after being shot on 26 July 2000. According to reports, Ilsón was in a patrol car when a gun fell and went off injuring him.

Fourteen-year-old **Pedro Antonio Centurión**, assigned to the *Cuartel de Vista Alegre*, Vista Alegre Barracks in Puerto Falcón near Asunción, died on 12 September 2000 of gunshot wounds. He was thirteen years old when he was forcibly recruited: In March 2000, two of Pedro Antonio's cousins were voluntarily recruited and in April they attempted to recruit Pedro Antonio twice, both times accompanied by an army official from the Vista Alegre Barracks. The first time he refused to go, but the second time, in the absence of his mother, Pedro Antonio went with them. Three days later his mother went to the army barracks to have a meeting with the army official who was aware of Pedro Antonio's Argentine nationality and stated that his age did not matter as he was of adequate physical build. As her son wanted to remain in the barracks she took no further action.

Pedro Antonio was later transferred to Fortín Cano, Chaco department, from where he unsuccessfully tried to escape with another two conscripts. After this he was ordered to return to Vista Alegre where he did not appear to be suffering from ill-treatment or problems with superiors or other conscripts. A false birth certificate incorrectly stated that Pedro Antonio had been born in Paraguay. When the Pedro Antonio Centurión's mother went to retrieve her son's body she was told to go alone and told to sign some papers. She was told that if she did not sign these papers her son's brain would have to be operated on to find the bullet and he would be cut up ("*descuartizado*"). In the papers which she signed without reading them, Pedro Antonio Centurión's mother reportedly refused to give her permission for an autopsy to be carried out¹⁴. She was told that her son had had an accident whilst on guard duty and it was suggested that he committed suicide. She was finally told not to talk to the press or anyone else and not to say that her son was Argentinian or that he was fourteen years old. Despite these instructions on 15 September 2000 Pedro Antonio Centurión's mother made a declaration before the Argentina Consulate (Nº de Orden

14 [La Opinión](#), 13 October 2000.

019241, N° de Arancel 7.8.1.). In September 2000 she also made a declaration before the Paraguayan Public Ministry¹⁵.

According to press reports¹⁶, following the death of Pedro Antonio Centurión, evidence of the widespread forced recruitment of children and falsification of age at the Vista Alegre barracks, Chaco department, was found. The records of at least 100 other underage recruits at the Vista Alegre barracks had also been adulterated to change their ages. Despite the discovery of underage conscripts in the barracks, the underage recruits were not released from military service. Two army colonels - the recruiting officer and the commander of the base - were detained and facing prosecution. However, January 2001 news reports indicated that the military justice investigations into the falsification of birth certificates will absolve the two colonels - the Commander of the Military detachment of the *Primera Division de Caballería*, First Cavalry Division, Colonel Raúl Ortiz, and the director of recruitment of Villa Hayes, Colonel Raúl Cardozo -, who bore overall responsibility for the presence of a minor with false documents in the barracks. The report also suggested that Captain Pedro Rodriguez, who was identified as the person who illegally recruited Pedro Antonio Centurión, would also escape punishment¹⁷.

Judicial investigations into the death of Pedro Antonio Centurión are reportedly awaiting a decision by the Supreme Court as to whether the military or civilian justice systems is given jurisdiction.

Seventeen year old **Heriberto Lugo Fernández** also died from a gunshot wound, on 18 December 2000. He was assigned to the *frontera N°2 "Capitán Bodo"* detachment of the Fourth Infantry Division, Amambay department.

15 [Ultima Hora](#), 26 September 2000.

16 [ABC Color](#), 27 September 2000.

17 [Ultima Hora](#), 8 January 2001.

Reparation for human rights violations during military service

Despite reports about the deaths of numerous conscripts in recent years Amnesty International has received information that to date only the families of three conscripts, who died during military service, have received economic reparation. This is not actually compensation but a form of monthly pension that the military legislation calls *pensión de herederos*, heirs' pension. The three families who receive this basic pension are the relatives of conscripts Vicente Ariel Noguera (see above), seventeen year old Eladio Cubilla, who died on 8 March 1991, and sixteen year old Victor Hugo Maciel, who died on 2 October 1995. None of these deaths have been clarified.

Failure to appoint a *Defensor*

There are no adequate measures for reparation in the form of damages for human rights violations committed in the armed forces or national police. Congress has failed to appoint a *Defensor del Pueblo*, Peoples' Ombudsman, which would facilitate claims for reparation. This absence of reparations includes the lack of compensation for damages, the payment of a pension to the surviving relatives and in the medical and psychological assistance in the cases of invalids.

The armed forces are also failing to provide medical or psychological assistance to those who suffer injuries as a result of accidents or punishments during military service and their relatives are often forced to face the cost of treatments or lack of income resulting from the disability.

The failure of the political parties to lead the country in entrenching democratic institutions and fostering civil society is nowhere more glaring than in their continuing failure to nominate a People's Ombudsman, *Defensor del Pueblo*. The 1992 Constitution obliged Congress to establish the post and guarantee its political independence. However, the repeated attempts to agree upon a number of candidates from which to nominate a *Defensor* have failed thanks to the inability of the political parties to allow the position to be truly independent and not indulge in horse trading over political nominations. The result is that nine years after the Constitution established the post, it remains unfilled. Not only has this placed in doubt the possibility of establishing an independent *Defensor* to monitor human rights violations, but more immediately, the law passed by Congress to allow the victims of the Stroessner regime to receive compensation, and specifically gave the *Defensor del Pueblo* an active role in the process of assessing and granting of compensation. Not only does the absence of a *Defensor* mean that all claims are pending, but the law establishing the right to compensation is of a limited duration, which could mean that without a *Defensor* the right to redress will be permanently denied. The political parties have made repeated promises and claims that the post was about to be nominated, including to AI and IACHR missions, but by the beginning of 2001 there was still no sign of progress.

In the majority of cases there is no moral reparation as the armed forces and national police fail to give relatives any explanation as to the cause of death or occurrence of accidents, or if they do, this is unsatisfactory or inadequate. In some cases, non-governmental organizations report the humiliating treatment of relatives seeking pensions or justice by military officials. Amnesty International calls for full, independent and impartial investigations into all allegations of ill-treatment and death of conscripts during military service with those responsible brought to justice. The organization also urges the armed forces and national police to publically recognize their responsibility in each case.

There have been several unsuccessful requests for *pensiones graciabiles*, good-will pensions, before parliament. The Senate considered a petition for a pension for Adalberto Martínez Benítez, who was left blind following a beating by a superior officer on 3 November 1980 whilst carrying out his military service in the *Regimiento de Caballería N° 1 "Valois Rivarola"*, N°1 Cavalry Regiment "Valois Rivarola", for refusing to carry out domestic chores at the official's house. A pension was also requested for the mothers of the two "disappeared" conscripts Cristian Núñez Lugo and Marcelino Gómez Paredes. However, these pensions were not awarded, even though the Paraguayan congress is in a position to do so.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT OF PARAGUAY --

- To publically condemn and take prompt and effective action to prevent the recruitment of children into the Paraguayan armed forces and national police, the torture and ill-treatment of conscripts by their superiors, and to clarify the deaths of conscripts during their military service.
- To order independent, impartial and conclusive investigations into the recruitment of children into the Paraguayan armed forces and national police, the torture and ill-treatment of conscripts by their superiors, and the deaths of conscripts carrying out their military service.
- To ensure the immediate suspension from duty of officials implicated in human rights violations against conscripts and that those found responsible are brought before the appropriate judicial authorities.
- To ensure that families of victims and their legal representatives are allowed access to ongoing cases before the military courts allowing them to contest evidence and take part in the process; the Commander in Chief of the armed forces and national police should cooperate in providing background information and allowing military officials to testify.
- To provide compensation for victims of human rights violations during military service or their families, by appointing a peoples' defender (Article 276 of Paraguay's 1992 constitution) to defend their human rights and enable them to receive reparation.
- To ratify the Optional Protocol to the Convention on Rights of the Child, which was signed by the Paraguayan State in September 2000, setting 18 years as the minimum age for all military recruitment and participation in national and international armed conflict.
- To carry out national analysis of the situation of children under 18 years as soldiers and to adopt and implement national plans to end recruitment of children under the age of 18, including the establishment and maintenance of up-to-date child registration and documentation systems.

- To recognize the right to conscientious objection to military service as a fundamental human right which can be exercised from the very moment it is expressed and to ensure that conscientious objection is recognized in accordance with Resolution 1998/77 of the UN Commission on Human Rights. Provision for conscientious objection should always be under civilian regulation and the objector should at no stage be obliged to prove his or her convictions.
- To undertake demobilisation and full reintegration programs for children under 18 years who have been recruited into the armed forces and national police, granting the children full, prompt and effective reparation, as well as rehabilitation when necessary.