

AMNESTY INTERNATIONAL

PARAGUAY INVESTIGATIONS INTO PAST HUMAN RIGHTS VIOLATIONS

DECEMBER 1990

SUMMARY

AI INDEX: AMR 45/03/90
DISTR: SC/CO

Only weeks after General Andrés Rodríguez came to power following a coup d'etat in February 1989, numerous reports of human rights violations under the previous government of General Alfredo Stroessner appeared virtually daily in the press. Dozens of denunciations of illegal detention, torture, "disappearance" and extrajudicial execution of political prisoners during the 1960s and 1970s led to criminal investigations by judicial authorities.

Several senior members of the former administration, including former president General Alfredo Stroessner, Interior Minister Sabino Montanaro and police chiefs Pastor Milciades Coronel and General Brítez Borges, have been implicated in serious human rights violations and are currently facing trial.

However, many judicial inquiries into past human rights violations have suffered prolonged delays or were obstructed by authorities who failed to cooperate with the investigations. In other cases judges have reported apparent attempts from civilian authorities to impede progress of investigations.

Amnesty International believes that it is a principal element in the protection of human rights that those responsible for past violations of such rights should be brought to justice.

This summarises a 27 page document, Paraguay: Investigations into Past Human Rights Violations, (AI Index: AMR 45/03/90), issued by Amnesty International in December 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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EXTERNAL (for general distribution)

AI Index: AMR 45/03/90
Distr: SC/CO

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PARAGUAY: INVESTIGATIONS INTO PAST HUMAN RIGHTS VIOLATIONS

A INTRODUCTION

1a The Stroessner era

General Alfredo Stroessner, who ruled Paraguay as president since 1954, was deposed on 3 February 1989 by a violent coup d'etat led by his long-term close aide General Andrés Rodríguez, Commander of the First Army Corps. During Stroessner's military dictatorship, gross and systematic violations of human rights occurred. Amnesty International repeatedly expressed concern to the Paraguayan Government about long-term prisoners of conscience and allegations of torture, "disappearance" and death in custody of political prisoners, as well as reports of prolonged detentions of political opponents. Hundreds of detentions were carried out under the provisions of the state of siege which was in force almost continuously since 1954. From 1978 the state of siege was restricted to the capital, Asunción and in 1987 it was entirely lifted.

Amnesty International's main concerns during the 1980s included the arrest and imprisonment of prisoners of conscience¹, irregularities in the trials of political prisoners and reports that testimonies were extracted under torture. Amnesty International also repeatedly expressed concern at the numerous short-term detentions of members and sympathizers of opposition parties, trade unionists, leaders of peasant organizations, professionals and students peacefully expressing their rights to freedom of expression and association. Even after the state of siege was lifted in April 1987 numerous arbitrary short-term detentions continued to be reported. Such detentions often occurred during public meetings pressing for democratic reforms.

¹ Amnesty International considers prisoners of conscience as persons who are imprisoned by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence.

During the Stroessner 34-year rule virtually no investigations were initiated into alleged human rights violations. Many human rights violations went unreported as victims and their relatives feared reprisals. In the few cases that were denounced to the authorities victims and witnesses were reportedly pressured to withdraw their allegations and the courts failed to conduct impartial investigations.

1b The New Government's Human Rights Initiatives

When General Andrés Rodríguez came to power in February 1989 he stated: "We have come out of the barracks to see that human rights are respected because most human rights were viewed as nothing but trash during the last regime ... Our country has been anxiously awaiting the building of a just and egalitarian society and the full respect of basic human rights. These things will be fully respected and promoted from now on."

Since then some steps have been taken to improve respect for human rights in Paraguay. In August 1989 the government ratified the American Convention on Human Rights. In October it signed the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture. Anti-subversive laws 209 and 294 of the penal code were repealed by Congress in August. Law 209, "Defence of Public Peace and Liberty of Persons", and law 294, "Defence of Democracy", had frequently been used by the previous government to detain prisoners of conscience.

Once installed, following elections in May 1989, Congress voted to create a bi-cameral Commission of Inquiry into human rights violations and created a congressional human rights commission to oversee the judicial investigations, and on 21 June 1989, the Chamber of Deputies passed a resolution authorizing the Attorney General's Office to exert pressure in cases of human rights violations to ensure they are fully investigated and those found guilty punished accordingly (either as perpetrators, accomplices or accessories). ("Proseguir e iniciar todos los juicios en los cuales se denuncien hechos de torturas, apremios ilegales, desapariciones y delitos conexos a fin de que investiguen los hechos y se sancione debidamente a los culpables, cómplices o encubridores"). At the beginning of November 1990 President Andrés Rodríguez vetoed the creation of a parliamentary Commission of Inquiry into human rights violations.

1c Investigations Initiated

Only weeks after General Rodríguez came to power numerous reports of human rights violations which had occurred during the Stroessner administration appeared virtually daily in the press. Dozens of denunciations of illegal detention, torture, "disappearance" and extrajudicial execution led to formal criminal complaints (querellas) being lodged against several members of the former administration including: former President General Alfredo Stroessner, (in exile in Brazil), Minister of Interior, Sabino Augusto Montanaro, (exiled in Honduras), Chief of Police General Francisco Brítez Borges, the Director of Asunción's Police Investigations Department, Departamento de Investigaciones Policiales - Capital, (DIP-C), Pastor Milciades Coronel, the Chief

of Military Intelligence Division, General Benito Guanes Serrano, and DIP-C officials Lucilo Benítez, Juan Martínez and Camilo Almada. However, many judicial inquiries into past human rights violations have suffered prolonged delays or were apparently obstructed by authorities who failed to cooperate with the investigations. In some cases judges have reported apparent attempts from civilian authorities to impede progress of investigations.

In September 1989 members of the Human Rights Commission of the Congressional Chamber of Deputies publicly accused the Attorney General, Dr Diógenes Martínez, of exerting pressure on judges investigating human rights violations in order that they suspend the inquiries. According to the vice-president of the Human Rights Commission, Dr Francisco de Vargas, deputy for the opposition Partido Liberal Radical Auténtico, Liberal Radical Authentic Party, "Diogenes Martínez is the man who is putting most pressure on judges so that they don't carry through the procedures in the trials against torturers". Dr de Vargas alleged that Dr Diogenes Martínez claimed to be acting on instructions from President Rodríguez. The Attorney General publicly denied the accusations.

At the end of 1989 Criminal Court Judge Cristóbal Cáceres Frutos told the press that there had been attempts to obstruct the proceedings but that he had not been deterred in carrying out his duty. ("Efectivamente existieron personas que intentaron desviar la marcha de los procesos, pero se impuso el cumplimiento de nuestras convicciones."). According to some reports, at least two criminal court judges investigating human rights violations attributed to senior members of the past government, reported having been anonymously threatened with death if they insisted in pursuing the cases.

1d Amnesty International's concern

Amnesty International considers that all human rights violations within its mandate should be independently judicially investigated and that such investigations should take place even after a change of government. Whatever legal mechanisms are used should effectively clarify the facts and respect the legal rights of defendants. Failure to identify and bring to justice those responsible for human rights violations might encourage extrajudicial execution, "disappearance" and torture by creating a sense of impunity to those responsible for serious human rights abuses. The organization believes that it is a principal element in the protection of human rights that those responsible for past violations of such rights should be brought to justice. Furthermore, the incumbent authorities should ensure that such investigations proceed without intimidation or harassment to investigating bodies.

Amnesty International believes that governments have a responsibility to the relatives of the "disappeared" to clarify the fate of family members who went missing after detention by government agents. A change of government does not relieve the authorities of this duty. Relatives also have the right to seek justice through courts, and to apply for compensation. The law must provide effective ways for relatives to exercise those rights.

Resolution 1983/23 adopted on 5 September 1983 by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities reiterated the "right of families to know the fate of their relatives" and stressed Resolution 33/173 adopted by the General Assembly on 20 September 1978 which called upon governments "in the event of reports of enforced or involuntary "disappearances", to devote appropriate resources to searching for such persons and to undertake speedy and impartial investigations".

B INVESTIGATIONS INTO PAST HUMAN RIGHTS VIOLATIONS

2 UNMARKED GRAVES

2.a Santa Elena

At the beginning of April 1989 human remains were reported to have been found in Colonia Esperanza, near Santa Elena, department of Cordillera. According to peasant farmers from the area, about 50 people who had "disappeared" in the 1960s and 70s had been buried in the surrounding areas. Numerous witnesses came forward with testimonies alleging that suspected guerrilla group members and peasant leaders had been brought to the area, interrogated under torture and then extrajudicially executed. Police authorities, Comisarios José Ignacio Irrazábal and Arturo Hellman were named as responsible for such abuses. Comisarios Irrazábal and Hellman had been commissioned by the Ministry of the Interior to head the "Gendarmería Volante" flying squad which played an active counter-insurgency role in the region and which based its operations from Santa Elena.

Judge Edmundo Vittone opened proceedings on 3 April to investigate the graves in Colonia Esperanza and on 4 April went to the area to conduct an in situ inspection, together with state prosecutor (fiscal) Arnaldo Pereira Wrede and court clerk (actuuario) Wilfredo Velásquez. Members of the Comité de Iglesias, Inter-church committee, (an ecumenical human rights organization), were also present. Witnesses came forward and provided information to the commission members about events there during the 1960s. One witness stated that police chief José Ignacio Irrazábal referred to his victims as animals ("estas personas son iguales a los animales".)

Another witness, Ramón Balbuena, said that one night in about 1964 he heard cries for help and then a gunshot and believed the victim was a pharmacist from Caacupé. Later he himself was detained and tortured at the Cordillera delegación and later transferred to the 3rd Police Station in Asunción where he was held for several months. Another witness, Saúl Cristaldo, said he was detained in 1965 along with another 19 peasants and tortured in Santa Elena police station. According to local peasants, among those who died under torture and were buried in the area were: Juan Pedro Benítez, Anastacio Martínez, and Martín and Isabelino Patrón Agrilena.

In May 1989 Dorila Alvarenga Caballero filed a formal criminal complaint (querrela) for the killing of her brother, Blas Ignaió Alvarenga Caballero, aged 27, whose death was reported by the authorities to the family on 8 July 1965. According to the querrela, Dorila Alvarenga was warned not to make known the fact that Blas Ignacio Alvarenga was her brother. She was also reportedly told that she should be grateful that he had been

"terminated" as he did not deserve to live ("vd. tiene que agradecer que hayamos terminado con su hermano porque esta clase de persona no merece vivir"). She also claimed that Arturo Hellman told her that her brother had been killed on the direct orders of the Interior Ministry ("Nosotros hemos terminado con su hermano por órdenes directas del Ministerio").

According to Agustín Cartasso, Cordillera departmental governor, (Delegado de Gobierno de la Cordillera), between February and December 1969, the Gendarmería Volante, that operated in the area, worked directly under the orders of the Minister of Interior and received support and training (asesoría) from army General Patricio Colman. Press reports indicated that according to Comisario General Osvaldo Palacios, both Comisarios Irrazábal and Hellman were under the direct command of the Interior Ministry until they discontinued office, Hellman during the Stroessner regime and Irrazábal on 23 June 1989 following Interior Ministry Resolution No. 66.

The authorities at the time, including the Interior Minister, had claimed that the mass graves were the result of inter-guerrilla killings. However, other sources including Higinio Olmedo, who claimed to be former guerrilla, stated in April 1989 that there were no confrontations between the guerrilla and state forces in that area at the time in question. ("Nunca hubo enfrentamiento armado en la zona de Santa Elena entre los guerrilleros y las fuerzas de seguridad.") Mr. Olmedo also revealed the names of several other people he claimed had be the victims of extrajudicial execution during the 1960s, including Vicente Díaz, aged 18, who was reportedly tortured and killed between 26-9 July 1965, and Santiago Acevedo Coronel, aged 22.

Leandro Garcete, a peasant farmer now in his 70s, testified that he was detained on 2 July 1965 by Comisario José Ignacio Irrazábal and taken to Santa Elena police station. After several days' detention he was taken into Comisario Irrazábal's office, and, in the presence of Comisario Hellman, was questioned about Romilio López, a suspected guerrilla member. He claims he was whipped and beaten by Comisario Irrazábal and later taken to a nearby river at about 2am along with another detainee by the name of Balbuena (see above). Both were stripped naked and questioned further about Romilio López while two soldiers submerged them in the water until near asphyxiation. Another detainee he mentioned was Juan Pedro Benítez (see above) who he claimed he saw almost dead, as well as many others who were so severely beaten their faces were disfigured. He was held in the Comisaría with about 29 others for ten weeks before being released.

Martín Cristaldo told the press about how he was detained on 14 July 1965 accused of being a communist and taken to the Santa Elena Comisaría where he was beaten and questioned about other alleged communist party sympathizers. According to his statements to the press in April 1989, he was taken to the Cambay river and subjected to submersion while Comisario Irrazábal questioned him. He was released on 11 August 1965. His left leg has since been amputated allegedly as a result of the beatings he received in detention.

Many other reports which emerged during the judicial investsigation opened in April 1989 corroborated these testimonies denouncing the torture and extrajudicial execution of detainees

in the region of Santa Elena in the mid-1960s. Eulogio Noguera, a bricklayer, now in his 60s, described how between 1963 and 1965 detainees were taken to Cambay river late at night by groups of about four soldiers and told the press how he was forced by Irrazábal to bury people near the river. He said he did not know the people, but that most of them were young and had been brought into the area. Eulogio Noguera also stated that he knew of some 25 graves in the area. Blas Servín, another peasant farmer, also claimed he saw detainees being taken to Cambay river where late at night he could hear screams of torture.

Other detainees believed to have been executed and buried in Santa Elena during the 1960s include: Blanco Cáceres, aged 18, detained in Asunción and tortured (including being hung by the ear), Víctor Molina, detained at his home in Ypacaraí, Juan Mora, carpenter and communist party member, who was shot in a grave he was made to dig himself, Ramón Ejeda, a textile worker, Juan Bautista Rondelli, a baker, Norberto López, a bricklayer, José Villalba, a baker, Antonio Alonso Ramírez, a member of the communist party.

On 7 April 1989 the remains of two bodies were exhumed in the presence of Judge Antonio Alvarenga Torres. According to local witnesses, they were the remains of Blas Ramón Caballero Alvarenga, a 27-year-old teacher and member of the communist party, and a former military cadet, and Herminio Cubillos, a 30-year-old father of four. Both were reportedly involved during the mid-1970s in the peasants' grass roots organization Ligas Agrarias, Agrarian Leagues, whose primary concern was land reform. According to one witness, Juan Bernardo Cuenca, he had gone to their grave in Mbocayaty three days after they had been killed in order to place a cross but had been told by the authorities that this was prohibited as the dead men were not christians but communist animals ("estos eran animales, eran comunistas"). Among the remains found during the exhumation were keys, pieces of (synthetic) clothing and a cigarette lighter, objects which Blas Ignacio Caballero's sister was able to identify.

In mid April 1989 prosecutor Arnaldo Pereira Wrede recommended formal proceedings should be opened and ordered the detention of Comisarios Hellman and Irrazábal on suspicion of responsibility for political killings in Santa Elena. Both were detained in Asunción's police headquarters, Cuartel Central, but later granted provisional liberty, (libertad provisoria). On 20 June 1989 Judge Pablo Vicente Ibarra who replaced Edmundo Vittone, ordered the release of Comisarios Irrazábal and Hellman on the grounds that the statute of limitation (prescripción) had been exceeded as over 20 years had passed since the presumed crimes had been committed.

Article 116 of the Paraguayan Penal Code states that "el derecho de acusar, salvo excepción expresa, se prescribe a los 20 años").

On 30 November 1989 the 2nd Chamber of the Appeal Court, 2a Sala de la Cámara de Apelaciones, confirmed the ruling dropping charges against Comisarios Irrazábal and Hellman on the grounds that the statute of limitations had expired, but ruled that the case should not be closed and the typification of the crime still had to be established (determinar la tipificación del delito). Dr. Rodolfo Manuel Aseretto, a lawyer from the Comité de Iglesias, Inter Church Committee called the Appeal Court ruling "arbitrary" and brought a suit of unconstitutionality before the Supreme Court of Justice (promovió una acción de inconstitucionalidad).

In a more recent case concerning the Santa Elena Comisaría, former prisoner César Araujo lodged a querrela in May 1989 against Comisario Irrazábal and another police officer in Santa Elena Modesto Palacio for arbitrary detention and bodily harm caused during torture. César Araujo, aged 37, told the press how he was detained in 1987 in Santa Elena Comisaría and during the night was taken from his cell to the patio where he was made to kneel and was beaten in the stomach and face by Comisario Irrazábal until he fainted. According to his testimony he was then tied up and thrown in the nearby river, but survived. He was taken back to the Comisaría and released without charge after ten days.

Press reports also indicated that César Araujo's father, Concepción Araujo, was also detained in the Santa Elena police station during that time and tortured by Irrazábal. According to his testimony he was stripped and with his hands and feet bound was forced to lie face up and had water poured into his mouth.

Comisario Irrazábal is reported to have beaten him too. Concepción Araujo was reportedly hospitalized for three months after his detention due to the injuries suffered while in Santa Elena Comisaría.

2.b Guardia de Seguridad

In April 1989 the Comité de Iglesias presented a denuncia to judicial authorities on behalf of a former political prisoner who alleged that during the 1970s at least six "disappeared" political prisoners had been executed and secretly buried in the Guardia de Seguridad (now called Agrupación Especializada), a police barracks used as a high security detention centre on the outskirts of Asunción. The former political prisoner, Ignacio Duarte, made statements to the press about his periods of detention between 1972 and 1976 in the Guardia de Seguridad. He described how at night prisoners were brought to the barracks by van and the barracks lights were turned out as burials took place in the kitchen garden of the barracks (la huerta). On several occasions he was allegedly ordered to spray water on newly dug graves to ensure that the earth settled. He claimed there were at least six graves, but was unable to identify who had been buried there. People believed to have been buried within the Guardia de Seguridad grounds include political leaders Dr Agustín Goiburú and Dr Miguel Angel Soler and members of the peasants' association Ligas Agrarias (see below for investigations into these cases). Soon after Duarte's statements, numerous anonymous telephone calls were reportedly received by the press from former military servicemen confirming his reports.

On 27 April 1989 Judge Juan Carlos Valenzuela Jiménez went to the Guardia de Seguridad together with the claimants in order to carry out an in situ inspection and perform exhumations. Barracks Commander General Pedro Juan Peña however refused access to Ignacio Duarte on the grounds that he had no legal right to be present.

Judge Valenzuela refused to proceed without the participation of the claimant and charged the Commander with contempt of court ("desacato a la autoridad judicial"). Shortly after Judge Valenzuela claimed himself incompetent to continue with the case which passed to magistrate Pedro Méndez Ramírez, who returned the case stating that Judge Valenzuela had insufficient grounds to claim incompetence. At the beginning of June the Supreme Court ruled that Judge Valenzuela should continue with the case.

On 14 June 1989 Ignacio Duarte and Mercedes Fernández, the widow of Dr Miguel Angel Soler, believed to have been buried in the Guardia de Seguridad, (see below) made formal requests for permission to accompany the judge to the barracks. However, the on site inspection was again suspended by Judge Valenzuela when the police detachment which was to accompany him failed to appear. Judge Valenzuela resigned from the case in August. The Supreme Court then nominated Dr Tito Medina to continue the investigation.

Public Ministry prosecutor (agente fiscal) Enrique Mongelós appealed against Ignacio Duarte's denunciation on procedural grounds, and the case was passed to the Appeal court. The Attorney General supported the prosecutor's appeal claiming Mr. Duarte's formal denunciation (denuncia) was "informal" and did not meet the requirements to be considered as a formal complaint. In a major set-back to the investigations, on 29 June the Appeal court declared null all the proceedings in the case so far, on the grounds that the claimant, Mr. Duarte, had provided insufficient information to justify a formal criminal investigation. Mr. Duarte had not, for example, provided his full address, allegedly for fear of reprisals. At the beginning of July 1989 Ignacio Duarte presented a new denuncia to Judge Cristóbal Cáceres Frutos.

At the beginning of November still no exhumations had been carried out at the Guardia de Seguridad and reports emerged from people who lived near the barracks that the graves were being removed.

On 3 November members of the Chamber of Deputies Human Rights Commission went to the barracks and found this was not the case.

However, Francisco de Vargas, Vice-president of the Human Rights Commission, was careful to note that this did not imply the existence or not of graves within the grounds of the Guardia de Seguridad.

Further delays occurred in November when the Supreme Court designated judge Arnaldo Mieres to proceed with the case. He too entered a jurisdiction plea, arguing that the case should be dealt with by Judge Cáceres, as he had dealt with the original denuncia.

However, the Supreme Court ruled that Arnaldo Mieres was the competent judge.

On 9 November Ignacio Duarte made a formal statement to the judge about the burial of political prisoners in the grounds of the Guardia de Seguridad during his detentions between 1972 and 1976.

He described how sometimes bodies were not buried thoroughly - bones and articles of clothing were still visible -and he was obliged to cover them with earth and then spray them with water.

Later in November the Public Ministry prosecutor requested Judge Mieres to formally obtain information from the Police as to whether their vans were used at the Guardia de Seguridad at night during the years in question, and if so, what these vans were used to transport. On 28 November the police replied to Judge Mieres that such information could not be found in their records. The request by the prosecutor was interpreted by the lawyers representing the claimant as a further means of delaying the investigation.

On 7 February 1990 excavations were finally carried out at the Agrupación Especializada barracks. However, despite trying at least nine sites to a depth of 50cms, no human remains were found.

The excavations were carried out in the presence of Judge Arnaldo Mieres, Attorney General Diógenes Martínez, Dr. Miguel Angel Mongels, Chief of Police General Francisco Sánchez, Commander of the Agupación Especializada, Coronel Juan Peña, as well as Ignacio Duarte. Ignacio Duarte noted that the earth used to bury the bodies when he was held at the Guardia de Seguridad was dark red, but the earth was now white. He stated that he was still convinced that numerous Paraguayans had been buried there and that the earth had since been removed. ("Yo sé y estoy seguro que muchos compatriotas, quizás cientos fueron enterrados en ese lugar.").

2.c San Juan Nepomuceno

Information concerning further graves in San Juan Nepomuceno, Caazapá department, emerged in November 1989. According to the reports, the bodies belonged to members of the 14 May, (14 de Mayo) guerrilla group which had been active in the region during 1959 and 1960. Army General Patricio Colman (deceased) was head of counter-insurgency in the region at that time.

According to press reports at the end of 1989, José Dolores López Báez, who worked for over 30 years on a farm in the area, alleged that about 25 suspected guerrillas were killed while held in custody in General Colman's command post (puesto de comando) in Tapyta. Several peasant farmers from the area also provided similar testimonies to the press. Many reported that about 25 suspected guerrillas were held virtually without food in a farm building and tortured until their execution there. They told the press how General Colman would not allow them to place crosses on the graves, but the peasants were able to place markings on a group of nearby trees known as "the island" ("la isla").

Among those believed to have been killed were a Uruguayan called Acosta (full name not known) who was reportedly tortured, including castration and having his ear cut off; Juan José Rotela who was tortured in the same way and finally executed by having his throat slit; Sergio Ramón Lovera, a 27-year-old student, whose father claimed the family was returned his student identity card by a soldier who told them their son had been killed in San Juan Nepomuceno, two men called Zárate and Zelaya (full names not known), Antonio Otazo, who was buried by "the island" after being held for over 20 days in the farm building (see below); Juana Bautista Peralta, a lawyer and Julia (full name not known), a doctor or nurse. According to reports, both women were sexually abused before they were tied to a tree and had their throats slit.

On 24 November 1989 members of the Chamber of Deputies' Human Rights Commission went to San Juan Nepomuceno to investigate the reports.

During the exhumations a common grave at San Juan Nepomuceno the remains of seven humans were found.

According to press reports following the exhumations, Deputy Carlos Duarte Torres called for clarification by the armed forces in this respect claiming the armed forces were "implicated in serious acusations of human rights violations". (se necesita una aclaración de parte de las Fuerzas Armadas de la Nación, "porque ellas están implicadas en serias acusaciones con relación a la violación de los derechos humanos.") However, to the knowledge of Amnesty International no formal judicial investigation has been opened.

3 INDIVIDUAL CASES

3.a Mario Raúl Schaerer Prono

During the night of 5/6 April 1976, personnel from Asunción's Police Investigations Department, Departamento de Investigaciones Policiales - Capital, (DIP-C), mounted an operation against the home of teachers Mario Raúl Schaerer Prono and Guillermina ("Nenena") Kanonnikoff as part of the suppression of what police alleged was a fledgling armed oviopposition movement, known as Organización Politico-Militar, (OPM), (Political-Military Organization), or Organización lo de Mayo, (1st May Organization).

Juan Carlos da Costa (see below), who was staying at Mario Schaerer's home at the time was killed during the operation, during which Police Officer Alberto Cantero, in charge of the DIP-C operation was seriously wounded. Mario Schaerer, although wounded in one foot during an alleged shoot-out with the police managed to escape with his wife, Guillermina Kanonnikoff, through the back garden and sought refuge in the residence of Canadian nuns in charge of the school where Mario Schaerer and his wife were both employed as teachers. Later that night, the priest who headed the school handed them over to the police who took them to Comisaría No. 11. From there they were transferred to the DIP-C, where Mario Schaerer was immediately beaten upon arrival and his wife who was about 6 months pregnant, pulled along by her hair.

At 8.00am on the morning of 6 April, Guillermina Kanonnikoff alleges that she saw Mario Schaerer as he was taken, walking, to the interior of the building and a few minutes later she heard him screaming. Some time later she again saw her husband, with injuries to his face, supported by two men in civilian clothes, being taken towards the officers' mess (Casino de Oficiales). Later that day Guillermina Kanonnikoff saw her husband again being dragged into the officers' mess by two men in civilian clothes. Although still alive, he was in a very poor physical condition - his head was fallen on his chest and his eyes were shut. At least two other prisoners claim to have seen him alive that day. The following day, 7 April 1976, Mario Schaerer's body, bearing signs of torture, was handed over to two uncles into the police hospital Policlínico Policial Rigoberto Caballero. Police authorities at the time of the death claimed Mario Schaerer had died as a result of injuries sustained in a shoot-out while resisting arrest. However, according to the death certificate issued by forensic doctor Lorenzo H. Godoy on 7 April 1976, Mario Schaerer's death was "homicide" as result of "multiple blows and injuries", ("homicidio" por "traumatismos múltiples"). His wife, who was later transferred to Emboscada prison on the outskirts of Asunción, was not informed of his death until four months later.

Before being transferred to Emboscada prison, which at the time held hundreds of political prisoners, Guillermina Kanonnikoff was held in DIP-C for 30 days, during which time she was subjected to ill-treatment. According to a recent testimony she gave to Radio Caritas on 1 September 1990, "our lives depended on Pastor Coronel, head of DIP-C. The torturers were bestial, they made us face the wall and no one was allowed to speak, some men were made to lie with their faces down and their feet up for long periods." ("Nuestra vida dependía del humor de Pastor Coronel. Los torturadores se volvían bestias ... Nos hacían poner cara

a la pared, nadie podía hablar con nadie, todos contra la pared, algunos, hombres, eran puestos boca para abajo, con las patas para arriba durante muchísimo tiempo.")

Guillermina Kanonnikoff was released 19 months later. Although charges of membership of OPM had been brought against her, she was never brought to trial and convicted. After her release she claims the Minister of Interior, Sabino Montanaro, told her that "it was necessary to kill Mario Schaerer because he was a danger to the peace and tranquility which the country enjoyed and he could disturb public order; something the President himself had ordered be repressed in order to avoid others following such an inauspicious example" ("fue necesario matar a Mario Raúl Schaerer Prono porque él mismo constituía un peligro para la paz y la tranquilidad que gozaba el país y podía alterar el orden público, cosa que el Sr. Presidente había ordenado reprimir para evitar que otros quieran seguir tan nefasto ejemplo.")

In April 1989 a querrela was lodged before judicial authorities by Guillermina Kanonnikoff on behalf of her son, Manuel Schaerer Kanonnikoff, accusing Pastor Coronel, head of DIP-C, and three of his subordinatres, Juan Martínez, Lucilo Benítez and Camilo Almada Sapriza of direct responsibility for his death in DIP-C headquarters in April 1976, allegedly as a result of torture. Interior Minister Sabino Augusto Montanaro, Police Chief Alcibiades Brítez Borges and former President Alfredo Stroessner were also accused in the querrela.

On 20 April 1989 an exhumation was carried out in the presence of a judge and a post mortem was performed by forensic doctors at the Hospital de Clínicas. According to the post mortem death could not have been caused by bullet wounds or knife wounds or bone fracture. The left foot only presented superficial wounds ("herida superficial cutánea lineal a nivel del dorso del pie derecho"). There was evidence of torture however, including the removal of fingernails ("algo levantadas en posición oblicua al eje de los dedos"). The forensic doctors concluded that after 13 years no precise cause of death could be established.

On 27 April 1989 DIP-C official Camilo Almada made a formal statement before Judge César Rey Martínez pleading innocence, stating he had never practised torture and that he had never even entered the DIP-C as he was a civilian. He further stated that he received his orders directly from Pastor Coronel. In April the court ordered the pre-trial detention of Pastor Coronel and his three subordinates implicated in the case.

On 12 August 1989 the two nuns testified that Mario Schaerer had entered their residence in good health and that the head of the congregation handed him over to the police. On 11 October the former police officer (Comisario) who took Mario Schaerer and his wife into custody from the residence testified before the court that the religious community had called him stating that a couple had taken refuge in the residence and they had decided to inform the police. Comisario Aurelio Chena stated that at the time of the arrest, Mario Schaerer was slightly wounded in one foot. The detainees were first taken to the local police station and shortly afterward handed over to DIP-C officials.

Having failed to make statements before the judge on three previous occasions, Pastor Coronel appeared before Judge Luis Benítez Riera on 23 October 1989 and claimed Mario Schaerer was never held in DIP-C custody, that he never knew him, although he did know about the shoot-out. He further stated that his function was to repress communism in accordance with laws 209 and 294 and that he received his orders from General Brítez Borges and Interior Minister Sabino Montanaro, but not directly from President Stroessner. He denied that torture or killings had taken place in the DIP-C ("A nadie se ha matado en Investigaciones ni torturado").

Following Pastor Coronel's statements, the complainant's lawyer, Dr. José Francisco Carballo, made a formal request to magistrate Luis María Benítez Riera that former President Alfredo Stroessner and General Brítez Borges be included in the sumario and that they make formal statements before the judge. By mid-november the appeal court (to whom the request was passed) had confirmed this request and on 1 March 1990 General Brítez Borges was formally included in the criminal proceedings. By mid 1990 the former president had still not been included in the proceedings as the intellectual author of the crimes ("autor moral"), despite the complainant's repeated petitions to that effect.

On 8 March 1990 General Brítez Borges made a formal statement to Judge Benítez Riera. He admitted knowledge of an operation ("operativo") against an armed opposition group, led by the Ministry of the Interior but claimed he learned about the arrest and death of Mario Schaerer from Comisario Chena, who told him that a DIP-C brigade were holding a married couple. When asked if he knew the cause of death to Mario Schaerer and Juan Carlos Da Costa, General Brítez replied that he learned of this six months after the events, on 18 October, from a list of detainees. General Brítez stated that Mario Schaerer had died in the police clinic and the cause of death was serious wounds sustained in the shoot-out. When asked who from DIP was in charge of the Schaerer Prono - Da Costa case, he stated that Pastor Coronel was always in charge ("siempre a cargo de Pastor Coronel").

DIP-C officer Alberto Cantero's defence lawyers argued that the events being investigated were distinct from the armed confrontation as a result of which Alberto Cantero fell victim and Mario Schaerer Prono and Juan Da Costa allegedly died, and requested an anulment of the proceedings ("Recurso de nulidad"). Judge Benítez Riera rejected the recurso de nulidad and on 23 April 1990 the criminal appeal court ruled the defence's request unprocedural ("improcedente"), considering their arguments unsustainable ("insostenibles").

The former Director of the Police Clinic, Oscar Gómez, a medical doctor, testified before Judge Benítez Riera on 9 July 1990 that a police unit brought two bodies to the clinic at approximately 6am in April 1976, (he claimed he could not recall the exact date).

Dr. Gómez was told by a guard ("guardia") that the two had died an armed confrontation ("enfrentamiento") and belonged to Mario Schaerer and someone by the name of Da Costa. Dr. Gómez claimed he could not remember the date the bodies were brought to the clinic and that any registration book ("libro de novedades") was disposed of every five years. (This book was the responsibility of the Chief of Police ("jerárquicamente dependía del jefe de policía").

Dr. Gómez said he was not present during the removal of the bodies

("levantamiento de cadáveres"), nor did he inspect the two bodies and so could not say whether they had been tortured as they were covered with sheets ("se hallaban con sábanas").

On 16 July 1990 the Appeal Court concluded that Mario Schaerer Prono had died in DIP-C. The conclusion was reached on the basis of three main arguments: firstly, Comisario Chena confirmed he had handed Mario Schaerer over to the DIP-C in good health; secondly, the autopsy report claimed the body showed no signs of gun shot wounds, ("orificio de balas") or broken bones which could have produced his death, ("huesos rotos que le produjeran la muerte"); thirdly, the death certificate was dated 5 April 1976, the date when Father Roy handed over the Schaerer couple to Comisario Chena, who later handed Mario Schaerer to DIP-C.

In statements on Radio Caritas on 1 September 1990, Dr. Francisco Carballo complained that the slowness in progress of the case was in large part due to the lack of cooperation on the part of the police and other authorities. ("No hemos contado con la ayuda de las informaciones que se han pedido, a través del juzgado de la jefatura de la policía de la capital. ... la policía han contestado en forma negativa, que no existen los archivos, que los libros de esa época ya fueron quemados. No contamos con la ayuda del gobierno, de los funcionarios del gobierno."). At the time of the broadcast, the case was still at the investigative stage (sumario).

3.b Juan Carlos Da Costa

On 29 May 1989 Juan Carlos Da Costa's father, Juan Wilfredo Da Costa, brought a querrela against former DIP-C officials Pastor Milciades Coronel, Camilo Almada and Lucilo Benítez, former Interior Minister Sabino Montanaro, and former Chief of Police, General Brítez Borges, for their alleged responsibility for the torture and death of Juan Da Costa in 1976.

On 5 April 1976 Juan Carlos Da Costa was at the home of Mario Schaerer Prono (see above) when the police violently entered and opened fire on the occupants. Juan Carlos Da Costa reportedly returned fire and attempted escape via the patio and was shot. He died a short time later. He was married with three children.

For further details please also see also above case (Mario Schaerer Prono).

3.c Dr Agustín Goiburú

A medical doctor and founding member of the dissident wing of the (ruling) Colorado party, Popular Colorado Movement, Movimiento Popular Colorado, (MOPOCO), in exile, Dr Goiburú was detained on 9 February 1977 by the Argentine police in Paraná, capital of Entre Ríos province in Argentina, and allegedly handed over to the Paraguayan police from the Cuartel Central de Policía in Asunción, where he was believed to have been tortured and killed.

In May 1989 a querrela was filed by his relatives against former President Alfredo Stroessner, Minister of Interior Augusto Sabino Montanaro, Head of DIP-C, Pastor Milciades Coronel, Chief of Police, General Francisco Brítez Borges, Chief of Military

Intelligence Division, General Benito Guanes Serrano and Dr Oscar Gómez, for their alleged responsibility for Dr. Goiburú's kidnapping, torture and killing.

During 1989 his widow, Elva Eliza Benítez de Goiburú, requested the Chamber of Deputies to urge that the exhumations at the Guardia de Seguridad be carried out in the belief that he could be among the political prisoners whose bodies had been buried there. According to General Brítez Borges' statements to judge Tomás Damián Cárdenas on 25 August 1989, he remembered Agustín Goiburú, who he claimed had originally been held by the Marines and then transferred, on the orders of President Stroessner, to the 7th Comisaría from where, according to General Brítez, he escaped.

Also in August 1989 judge Cárdenas sent questionnaires to Augusto Sabino Montanaro, in exile in Honduras and former President General Alfredo Stroessner exiled in Brazil, in order for them to provide written statements. The questions reportedly included whether they knew of any crimes of kidnapping, torture or murder, and if so, they should recount in detail the circumstances of the events, naming authors, accomplices or accessories. In particular, they were asked if they knew about such events on 9 February 1977. As far as Amnesty International is aware, no response has been received by the court.

On 3 July 1990 Pastor Coronel made a formal statement before judge Cárdenas and denied torture was ever practiced in DIP-C. The former police chief told the press he had never seen Dr. Goiburú ("Yo nunca conocí al tal Dr. Goiburú; jamás le vi la cara" ... "Tengo la conciencia clara.").

3.d Dr Miguel Angel Soler

Dr Miguel Angel Soler, Secretary General of the outlawed Communist Party, was reportedly detained by the police on 30 November 1975 and taken to the Police Investigations Department, Departamento de Investigaciones, (DIP-C) where he was tortured. According to other prisoners' testimonies, he was bound and gagged and whipped and beaten for hours with metal bars. The communist leader was last seen in the custody of the DIP-C on 1 December 1975.

On May 1989 his wife, Mercedes Fernández de Soler presented a querrela against former President Stroessner, Minister of the Interior Sabino Montanaro, Pastor Milciades Coronel, General Francisco Brítez Borges, DIP-C officials Camilo Almada, Lucilo Benítez, Juan Martínez, Eusebio Torres, Riquelme Belotto Esteche, and Dr Alejandro Evreinoff for their alleged part in the kidnapping, illegal detention, and death under torture of Miguel Angel Soler. In addition, they are also accused of abuse of power (abuso de autoridad) and entry of the home without warrant (violación de domicilio). At the beginning of July judge Cristóbal Cáceres opened the sumario stage and summoned Mercedes Fernández to make a formal statement.

A former political detainee, Prudencio Vidal Bogarín, told Judge Cáceres in his statements on 24 August 1989 how he had been detained at his home in Asunción in November 1975 and during his detention in the DIP-C was made to strip and held by the 'pileta' - a tank full of dirty water used for torturing detainees during interrogation to the point of near asphyxiation - but was not

actually submerged. According to his statements he met another prisoner in DIP-C by the name of Osorio, who told him that Miguel Angel Soler had also been taken to the DIP-C, beaten, taken to the torture room where he overheard him being whipped. Later, Osorio told Prudencio Vidal, that it sounded as if Soler was groaning and then there was a deep silence ('luego hubo un silencio profundo').

Other political prisoners provided testimonies to Judge Cáceres: Olegario Rodríguez claimed that while in DIP-C custody he saw Miguel Angel Soler in Pastor Coronel's office on 1 December 1975 and that this was the last time he saw him. Dr. Mauricio Schwartzmann, a lecturer at Asunción's Catholic university, was detained on 12 December 1975 and held in DIP-C custody, claimed he was taken to a room on the second floor known as "el sobrado". He described the room as containing an orthopaedic bed with steel straps and a wooden chair beside it. The floor was blood-stained. Lucilo Benítez ordered him to sit on the chair and he was left there for about three hours until Lucilo Benítez returned to interrogate him. Dr. Schwartzmann claims he was told that if he did not collaborate the same would happen to him as to Miguel Angel Soler. ("Si yo no colaboraba con ellos me iba a ocurrir lo mismo que pasó a Soler"). On 22 September 1989 an inspection of DIP-C was carried out in the presence of Judge Cáceres. Although "el sobrado" was not in the precise location indicated by Dr. Schwartzmann, its existence within the DIP-C was corroborated by the judicial commission. Former political prisoner Ignacio Chamorro claimed Miguel Angel Soler (and other prisoners) were later buried at the Guardia de Seguridad.

In August 1989 former DIP-C officials made statements before judge Cáceres. Lucilo Benítez claimed he could not confirm whether Dr. Soler was detained by DIP-C personnel and stated that he never saw or knew him, and Juan Martínez and also denied knowing Miguel Angel Soler or having tortured anyone.

Former head of DIP-C, Pastor Coronel, failed to appear in court on several occasions, claiming ill-health, until 29 August 1989 when he appeared before Judge Cáceres and denied Miguel Angel Soler had been tortured at the DIP-C. He stated, however, that he had been obliged by law to pursue communist party members, or face legal proceedings. ("Yo estuve obligado por la Ley 294, Art. 7 de perseguir a los que estaban afiliados al partido comunista, o de lo contrario, por esa ley que sigue vigente yo habría sido sometido a proceso"). He added that despite several house searches he was unable to detain Soler ("nunca pudimos dar con su paradero") and further claimed to be in South Africa at the time of his alleged death.

In September judicial warrants were issued for the arrest of Pastor Coronel, Lucilo Benítez and Camilo Almada, and were confirmed by the Appeal Court on 25 October.

Judge Cáceres took a formal statement from General Brítez Borges from his sick bed in the military hospital on 17 November 1989. General Brítez claimed he never knew or saw Miguel Angel Soler, or even knew if he had been imprisoned ("Nunca lo conocí al Señor Soler, no lo conozco, nunca lo he visto y nunca supe siquiera que haya estado preso") and claimed that he never participated in or witnessed torture. His statements apparently contradicted those

made by Pastor Coronel by stating that although Pastor Coronel was in charge of DIP-C and should have provided lists of detainees to his superior, the Head of Police Office, (Jefatura de Policía), he did not do so. General Brítez further stated that the DIP-C was in theory a dependency of the Police Department but in practice it received its instructions directly from the President of the Republic, the Minister of Interior or the Armed Forces' Intelligence Service.

General Brítez further stated he tried not to get involved in the interrogation of prisoners on the grounds that military training did not prepare him for this, unlike the police. (Although as head of the National Police, General Brítez Borges was an active army general). Despite requests from President Stroessner that he should attend interrogation sessions, he claimed he only attended for about 5 or 10 minutes and likened such visits to social occasions. ("más bien se reducía a una visita o a un acto social"). He claimed there was never physical ill-treatment ("nunca se cometieron apremios físicos").

In response to questions from the press about the case on 13 February 1990, Pastor Coronel claimed he could not say whether he knew Migel Angel Soler or not ("No sé") and denied allegations of torture or ever having been present during interrogation sessions ("nunca estuve presente en ninguno de los interrogatorios"). When asked whether violence occurred at the DIP-C, Pastor Coronel merely replied that he could not make sworn statements on behalf of all DIP-C personnel, but stated that from his position they did the best they could. ("Yo no puedo jurar ni poner la mano por todo el personal del DIP-C. Yo estoy ahí arriba. De nuestra parte hicimos lo mejor que pudimos."). In response to questions about presumed subversives being eliminated in the DIP-C and their bodies later being transferred to the Guardia de Seguridad, Pastor Coronel replied that any deaths in confrontations were reported to the judges ("Los que han muerto en enfrentamientos con nosotros han sido denunciados a los jueces").

On 4 September 1990 the appeal court rejected Pastor Coronel's defence lawyers' challenge against Judge Cáceres, ("recusación con causa"), and formally allowed him to continue with the case.

3.e Amílcar María Oviedo Duarte

In May 1989 Amílcar María Oviedo Duarte's relatives presented a querrela against former Interior Minister Sabino Montanaro, Chief of Police, General Francisco Brítez Borges, and DIP-C head Pastor Milciades Coronel for their alleged involvement in the torture and "disappearance" of Amílcar María Oviedo Duarte who was detained on 23 November 1974 by DIP-C personnel and allegedly killed in late 1976.

Amílcar Oviedo's father, Esteban Oviedo, told the press that when his mother went to the DIP-C every day to take food and a change of clothing, she reportedly often returned with blood-stained clothing. Prisoners detained at the same time as Amílcar Oviedo have confirmed his torture. According to Luis Wagner, who was detained at the DIP-C at the same time and allegedly beaten in the presence of Pastor Coronel, General Brítez Borges, Sabino Montanaro and General Guanes Serrano, he saw Amílcar Oviedo was

held in the cell next to his handcuffed, chained and in a very poor physical condition. Luis Wagner, currently a deputy for the Authentic Radical Liberal Party, Partido Liberal Radical Auténtico, (PLRA), stated that at one time he was held in a cell together with Amílcar Oviedo for six months, together with brothers Rodolfo and Benjamín Ramírez Villalba, Carlos José Mancuello and Roberto Vera Grau (for other cases please see below). Alberto Alegre Portillo, who was detained on 13 May 1975 and held at the DIP-C, stated to Judge Nelson Mora that he saw Amílcar Oviedo in DIP-C with marks on his back from whipping and that Amílcar Oviedo had claimed not to have been told the reason for his detention. Alberto Alegre Portillo told the judge that the last time he saw Amílcar Oviedo was on 21 September 1976 when he was transferred to Emboscada prison. Former prisoner Juan Balbuena (see below) also made statements to Judge Mora confirming he had seen Amílcar Oviedo in DIP-C bearing marks of torture on his back.

In his statements before Judge Mora on 18 August 1989, Pastor Coronel claimed he could not remember having ordered Amílcar Oviedo's detention, or that he was ever held at the DIP-C. Pastor Coronel denied any participation in his torture as he had not ordered his detention. He said that all detentions in the DIP-C could be found on the records at the Jefatura de Policía, according to established procedures. When the judge asked if he participated in interrogation or torture he said that sometimes he, or the police chief or some other authority was called in to "clarify certain details" ("aclarar ciertos detalles"). He denied the existence of torture equipment. He failed to answer questions put to him by the judge, regarding whether people were detained without his communicating this to the courts (in accordance with the Code of Penal Procedure); to name the police officials in charge of the interrogation of political detainees, if prisoners had been held for longer than permitted by law or to comment on claims that Amílcar Oviedo had been seen very sick following torture. Pastor Coronel added that he never acted on his own initiative, but normally received instructions from the Chief of Police, General Francisco Brítez Borges, Minister of Interior Sabino Montanaro or sometimes the judicial authorities.

A few days later, on 21 August, General Brítez Borges made statements before Judge Mora claiming torture had not taken place in DIP-C but that he was fulfilling orders to capture and punish "delinquents" ("Nosotros cumplíamos órdenes para atrapar y castigar a los delincuentes. En investigaciones jamás se torturó"). He stated that he never saw Amílcar Oviedo. In later statements he made from his home to the judge, General Brítez Borges admitted that he tolerated "many things" in order to prevent a "government crisis" ("toleraba muchas cosas para no desatar una crisis en el gobierno").

On 28 August 1989 Judge Mora converted into pre-trial imprisonment the detention of General Brítez Borges, Pastor Coronel and Lucilo Benítez. All three were detained in the Agrupación Especializada (formerly Guardia de Seguridad) in free access ("libre comunicación"). This marked the first imprisonment order by a civilian judge against a former military chief implicated in human rights violations under General Alfredo Stroessner.

In July 1990 Judge Mora ruled that General Brítez Borges, Pastor Coronel, and Lucilo Benítez be charged with aggravated homicide,

kidnapping, torture and abuse of authority, the sentence for which is a maximum of 25 years' imprisonment. This was confirmed by the Appeal Court at the end of November 1990.

3.f Rodolfo Feliciano and Benjamín Jesús Ramírez Villalba

In November 1989 a querrela was filed against former Interior Minister Sabino Montanaro, Chief of Police General Francisco Brítez Borges, Head of DIP-C, Pastor Milciades Coronel, and DIP-C officials Alberto Cantero, Lucilo Benítez, Camilo Almada, Juan Martínez, Eusebio Torres and Agustín Bellotto for the alleged kidnapping, illegal detention, torture and murder of brothers Rodolfo and Benjamín Ramírez Villalba. The brothers were allegedly detained by police agents on 25 November 1974 and held in the DIP-C where they were tortured during the initial month of detention. They were allegedly held in DIP-C for almost two years before being killed on 21 September 1976 reportedly by strangulation. According to the querrela the two brothers were savagely tortured at the time of death in their cell and then strangled and hanged by the bars.

During their detention in the DIP-C, they shared a cell with Carlos Mancuello and Amílcar Oviedo (see above). Other political prisoners also held at that time include Juan Balbuena, Alberto Alegre Portillo, Mario Mancuello Bareiro, Euclides Acevedo, María Magdalena Galeano and Luis Alberto Wagner. In Luis Wagner's statements to the press in August 1989, three days after their arrest in November 1974 he, Rodolfo and Benjamín Ramírez, Carlos José Mancuello and Roberto Vera were all transferred to the DIP-C, where, in the presence of Pastor Coronel, General Brítez Borges, Sabino Montanaro, General Benito Guanes Serrano, and Camilo Almada, the other four prisoners were forced under threat of death to "confess" they were planning to assassinate former President Alfredo Stroessner. According to Luis Wagner's testimony, the four were later transferred to different cells and the last time he saw them was on 21 September 1976 when they were removed from their cells at around midnight. Luis Wagner was released in December 1976.

When DIP-C official Camilo Almada appeared before Judge Nelson Mora on 13 February 1990, he denied any involvement in the deaths claiming he did not have the authority to take any violent measures against anyone ("yo no tenía la potestad para ejercer ningún procedimineto de violencia ante ningún ciudadano"), and that if he had been involved he would have left Paraguay soon after the coup ("si hubiera cometido los horrores que se mencionan en la querrela, no me hubiera quedado 5 minutos después del golpe del 2 y 3 de febrero del año pasado; y, sin embargo, me quedé").

Pastor Coronel appeared before Judge Nelson Mora and fiscal José Agustín Fernández on 19 February 1990 and testified that he had received information about the discovery of a plot against President Stroessner in 1974 in which a person named Evasio Benítez Armoa was allegedly implicated in the purchase of arms. According to Pastor Coronel, in the attempt to capture Evasio Benítez, he opened fire. Police returned fire, wounding Evasio Benítez, who was taken to the Policlínico Rigoberto Caballero (Police Hospital) where he died. According to Pastor Coronel, this was the "inicio de la operación" and later in their investigations an arms cache was found in Fernando de la Mora, a town on the outskirts of

Asunción. Pastor Coronel stated that several people were arrested in connection with the alleged plot, including someone by the name of Olmedo Montaña, but he claimed he did not remember whether the Ramírez Villalba brothers were arrested. When asked by the judge whether he was aware of the International Committee of the Red Cross (ICRC) visiting the DIP-C he confirmed that ICRC representatives frequently visited the DIP-C and looked around the installations and if there were any detainees, the delegates were able to talk with them in private. He claimed the ICRC stated that the detention centre was clean and well-aired, especially in areas where detainees were held. He denied the existence of torture apparatus or participating in interrogation.

When asked if he recalled Juan Balbuena, Alberto Alegre Portillo, Mario Mancuello, Euclides Acevedo, María Magdalena Galeano or Luis Alberto Wagner, Pastor Coronel replied that he only remembered Euclides Acevedo, charged under Law 209. He declined responding to other questions regarding the Ramírez Villalba brothers.

On 8 March 1990 Judge Nelson Mora ruled in favour of converting the accuseds' detention to pre-trial imprisonment ("prisión preventiva") due to the gravity of the crimes. The appeal court confirmed the ruling on 6 September 1990.

3.g Carlos José Mancuello Bareiro

On 27 March 1990 Ana Arminda Bareiro de Mancuello, presented a querrela against former President Alfredo Stroessner, former Interior Minister Sabino Montanaro, former Police Chief General Francisco Alcibiades Brítez Borges, former DIP-C Chief Pastor Milciades Coronel, and other DIP-C officials Alberto Cantero, Lucilo Benítez, Camilo Almada Morel, Julián Ruiz Paredes, Agustín Belotto and Eusebio Torres for the kidnap, illegal privation of liberty, torture and homicide of her son, Carlos José Mancuello Bareiro.

Twenty four-year-old electronic engineering student José Carlos Mancuello was detained under state of siege legislation by the police on 25 November 1974 on his return to Paraguay from Argentina with his wife, Gladys Ester Ríos de Mancuello, an Argentine citizen, and an eight-month-old daughter. José Carlos Mancuello was held in DIP-C headquarters custody together with Amílcar Oviedo and María Magdalena Galeano. (See above). Ana Arminda Bareiro periodically took her son clothing, food and medicines (although she was not allowed to see him). However, when she went on 21 September 1976 the officers on guard told her that Carlos Mancuello was no longer being held there. He remains "disappeared".

Gladys Ríos was also detained under state of siege provisions at the end of 1974. She gave birth to a son, Carlos Marcelo on 10 August 1975 in Emboscada prison, and was released in October 1977.

3.h Julián Cubas

Former political prisoner Julián Cubas filed a querrela against former Interior Minister Sabino Montanaro, police chief General Alcibiades Brítez Borges, DIP-C head Pastor Coronel, and other police officials General Benito Guanes, Comisario Alberto Cantero, Comisario Ramón Saldivar, Lucilo Benítez, Camilo Almada and Luis Paredes for his alleged illegal detention, kidnapping, torture

and death threats. Julián Cubas, a teacher, was detained on 24 November 1974 and held at the DIP-C, where he was allegedly tortured. He was later transferred to Emboscada prison and released in 1977.

Judge Cristóbal Cáceres rejected a plea by the defence for the querrela to be refused on the grounds that the statute of limitations had expired. The Appeal court confirmed this ruling in December 1989. However, later that month the lawyers acting for the accused petitioned the Supreme Court that the case was unconstitutional. When this petition was rejected by the Supreme Court the defence, in an apparent attempt to further delay proceedings, accused Judge Cáceres of partiality in the case ("ha demostrado una actitud parcialista en el juicio").

On 13 February 1990 Pastor Coronel made formal statements before Judge Cáceres confirming that he had ordered the arrest of Julián Cubas following orders, which, he claimed, he usually received from General Brítez Borges (but not President Stroessner), ("se tuvo orden de allanamiento y se le detuvo") on suspicion of subversion ("el motivo que tuvo es un problema subversivo"). He denied having tortured anyone ("Yo nunca torturé a nadie"), but admitted that he was following repressive laws that if he failed to fulfil would lead to his own punishment. ("Cuando nosotros estábamos habían leyes, estaban las represivas").

Two days later DIP-C official Camilo Almada made formal statements before Judge Cáceres denying knowledge of Julián Cubas or having participated in any activities other than those related to the security of the President. He stated that he could not make sworn statements about his subordinates' acts, and that no officer could act independently.

In early June 1990, the Appeal Court rejected the defence's argument that Judge Cáceres was partial, finding no misrepresentation or other abnormalities on the part of the judge. ("El tribunal no percibe las falencias o anomalías cometidas supuestamente por el magistrado").

In formal statements before Judge Cáceres on 3 July 1990 Lucilo Benítez denied any knowledge of Julián Cubas, ("no lo conozco, no lo conozco"), or of any ill-treatment. ("Jamás he lesionado a persona alguna, ni siquiera en accidente de tránsito ... nunca fui jefe de ninguna institución que pueda cometer esos delitos"). When asked whether he had participated in interrogation sessions and whether ill-treatment took place in DIP-C, Lucilo Benítez responded that he always carried out interrogations precisely in case of procedures were not followed correctly, ("permanentemente llevaba adelante los interrogatorios, justamente previendo cualquier circunstancia que después pueda empañar el procedimiento"),

Julián Cubas, present in the courtroom, directly accused his alleged torturer "Look at me, I'm Julián Cubas, let me refresh your memory, you tortured me savagely on 23, 24 and 25 November 1974. Look at me straight, Lucilo, or have you forgotten how you tortured so many innocent people". ("Lucilo, mírame bien, yo soy Julián Cubas, t refresco la memoria, me torturaste salvajemente los días 23, 24 y 25 de noviembre de 1974. Mírame bien, Lucilo, o te olvidaste de haber torturado a tanta gente inocente").

On 14 September 1990 Judge Cáceres converted Lucilo Benítez and Camilo Almada's detention (detención preventiva) into prison prisión and ordered the detención preventiva of Pastor Coronel on the grounds that he found sufficient evidence that the accused had tortured Julián Cubas ("existen suficientes pruebas de que los procesados cometieron salvajes torturas en el DIP contra Julián Cubas").

3.i Celestina Pérez de Almada

During the course of 1989, Dr. Martín Almada, a writer and educator, presented a querrela against former Head of DIP-C Pastor Milciades Coronel, former President General Alfredo Stroessner, Interior Minister Sabino Montanaro, Comisarios Alberto Cantero and Camilo Almada for illegal violation of the home, death threats and torture. Dr. Almada's wife, Celestina Pérez died of cardiac arrest allegedly as a result of being made to listen to a tape recording of her husband's torture while in the DIP-C, following Martín Almada's arrest on 24 November 1974. During her husband's detention, Celestina Pérez also received threats; she was reportedly told that her husband would not be released alive ("su marido no saldrá vivo de nuestros manos") and was also told that he had died. He was released in August 1977.

The accused were due to make statements before Judge Cáceres in August 1989, but the defence lawyer petitioned the court to anul the querrela on the grounds that the statute of limitations had expired (prescripción), as 15 years had passed since Celestina Pérez' death. This petition was overruled by Judge Cáceres in October 1989.

On 21 July 1990 the Appeal Court ruled in favour of the continued detention of Pastor Coronel, Camilo Almada and Alberto Cantero. Their request for transfer from the Agrupación Especial to police headquarters, (cuartel general de la policía) was also denied.

3.j Abraham Cué Peasants

Legal proceedings were opened against former DIP-C head Pastor Milciades Coronel and DIP-C officials Camilo Almada and Lucilo Benítez and for their alleged involvement in the kidnapping and torture of four peasants from Abraham Cué, department of Misiones: Gumercindo Galeano, Leopoldo Armando Moringo, Isabelino Antonio Silva and Hilario Martínez in 1976. The four men were members of the peasant organization Ligas Agrarias, and were initially held in Abraham Cué before transfer to DIP-C in Asunción, where they were allegedly tortured. Some were released after one year, others after two years' detention.

The defence lawyer, Dr Fabriciano Villalba, petitioned the court to anul the querrela on the grounds that the statute of limitations had expired (prescripción), and recommended the case be archived. However, in May 1990 Judge Jorge González Rioboó ordered the preventive detention (prisión preventiva) of Camilo Almada for illegal detention, torture and abuse of authority.

Camilo Almada failed to make formal statements before the court on 9 August but in statements to the press accused the complainants of using the judicial system to criminal ends ("hay un concierto").

para delinquir - por parte de los denunciantes y querellantes - haciendo uso de la justicia"). Lucilo Benítez made statements to the press on 10 August denying the existence of torture, ("de que fueron torturados y otras cosas más es puro cuento") but claimed no police officer dared to disobey orders from their superiors, ("nosotros éramos oficiales de la policía que teníamos que cumplir órdenes de nuestros superiores ... nadie se animaba a no cumplir con las órdenes y nosotros recibíamos órdenes de nuestro superior jerárquico").

On 9 October 1990 Pastor Coronel made a formal statement before Judge Benítez Riera. Outside the courtroom the former DIP-C head told the press that torture had never taken place at the DIP-C, and referred to members of the Ligas Agrarias as "comunists and terrorists". ("sus componentes eran todos comunistas y terroristas").

3.k Melchor Rolón

A querrela was presented on 18 May 1990 against former Minister of the Interior Sabino Montanaro, DIP-C head Pastor Milciades Coronel, and DIP-C officials Camilo Almada, Lucilo Benítez, Juan Martínez and others for aggravated frustrated homicide, greivous bodily harm, illegal arrest and detention, abuse of authority, theft, extortion and blackmail.

In the early hours of 4 April 1976 heavily armed men in uniform arrived at the home of Melchor Rolón's brother, Martín Rolón. The house was searched and Martín Rolón seized. He remains "disappeared". Some days later, on 16 April 1976 Melchor Rolón was arrested by 4 armed police agents in plain clothes. He claims he was tortured in DIP-C custody, including beatings to the mouth and stomach, and electric shocks. He was later transferred to Emboscada prison, and released on 16 September 1976. Both brothers were accused of belonging to the Christian Agrarian Youth movement, Juventud Agraria Cristiana.

On 22 July 1990 DIP-C official Camilo Almada made formal statements before Judge Luis María Benítez Riera. In response to questions put to him by the press outside the courtroom, he stated that "in no way" ("de ninguna manera") had he received orders to torture detainees, and added that beatings only took place when detainees resisted with force and that this had been called torture ("se caían en los forcejos, había así golpes que después se asociaban con torturas").

The former DIP-C official added that they (referring to other DIP-C personnel) had to follow orders from superiors, "Nosotros en cierta forma participábamos de algunos procedimientos, cumpliendo órdenes de los superiores"... "ni siquiera un civil podía decir no a una orden superior".

On 29 August 1990 General Brítez Borges gave statements before Judge Benítez Riera from his hospital bed, denying all knowledge of the incidents and claiming he was following direct orders from the Interior Minister Sabino Montanaro, or from President Alfredo Stroessner.

3.1 Captain Modesto Napoleón Ortigoza

In October 1990 Captain Modesto Napoleón Ortigoza presented the first querrella against former president Alfredo Stroessner, as well as former Interior Minister Dr. Edgar Ynsfrán, police chief General Brítez Borges and other police officials for, inter alia, illegal privation of liberty, injury (lesiones) and illegal proceedings (apremios ilegales).

On 27 December 1987 Captain Modesto Napoleón Ortigoza was released after completing a 25-year-sentence, much of which was spent in solitary confinement in the Guardia de Seguridad, for his alleged part in a conspiracy to overthrow then President General Alfredo Stroessner in 1962. Captain Ortigoza, who was tortured following his arrest, including beatings and near asphyxiation, was tried by a military court in proceedings which failed conform to international standards for a fair trial. He was found guilty of murdering a military cadet and sentenced to death. This sentence was later commuted to 25 years' imprisonment. Captain Ortigoza returned to Paraguay in July 1990 following two years' exile in Europe.

Many other judicial proceedings continue to be opened, usually as a result of querellas lodged by victims or their relatives. No one has yet been convicted. Amnesty International believes that it is a principal element in the protection of human rights that those responsible for past violations of such rights should be brought to justice and the organization continues to study the proceedings closely.

C APPENDIX

4 A note on Paraguayan Legal Procedures

There are two stages in a trial in Paraguay, which is presided over in the first instance by the same judge.

Firstly the sumario, which is the judicial inquiry stage, (in which the existence of the crime is established, as well as the identity of the perpetrator and the circumstances of the crime), and secondly the plenario, or trial stage, which leads to a final determination of guilt or innocence and of the sentence to be served. The sumario may be initiated by a querrela and a denuncia. The querrela is a formal criminal complaint presented before a judge and may lead to trial and sentencing. A denuncia may also be presented to a state prosecutor, fiscal. The sumario may also be initiated directly by the judge or fiscal.

During the sumario stage the initial detention, Detención Preventiva, may be ordered by the judge. According to the Code of Penal Procedures, a person may only be held in detención preventiva if they are caught in flagrante or if there is some degree of evidence against them ("semiplena prueba"). The detención preventiva may be revoked by the judge if s/he considers it inappropriate, for example if s/he considers there is insufficient evidence against the accused. When the accused makes a formal statement before a judge, presta declaración indagatoria, in the sumario, the judge may decide whether to order their preventive detention, detención preventiva, which following further submission of evidence, may be converted by the judge to imprisonment, prisión, if s/he considers there is sufficient evidence to believe the accused has committed a crime.

According to the Paraguayan Code of Criminal Procedures, the sumario should only last two months, however, no case described in this report, has yet reached the plenario stage. The plenario should last 40 working days and includes the sentencing. However, both defence and prosecution have the right to appeal certain procedures and decisions during the trial which can considerably delay proceedings, while the merits of the appeal are considered by the Appeal Court, Tribunal de Apelaciones, or in the case of a plea of unconstitutionality, the Supreme Court of Justice, Corte Suprema de Justicia.

In the cases described in this paper, defence lawyers have systematically lodged appeals during the sumario when the opportunity existed, in a apparent attempt to seriously delay the proceedings, thereby preventing the cases reaching plenario and possible conviction of those implicated.

PARAGUAY: INVESTIGATIONS INTO PAST HUMAN RIGHTS VIOLATIONS

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