

General allegation

104th session (15–19 September 2014)

Paraguay

97. On 7 October 2014, the Working Group transmitted information received from credible sources on obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

98. The source reported that, during the dictatorship between 1954 and 1989, repression was systematic, and included widespread and continuing cases of arbitrary detention, mass imprisonment, systematic torture and enforced disappearance. The source also reported that, since 1989, with the end of the dictatorship, there has been no effective will to investigate disappearances committed during the dictatorship.

99. It was indicated that, in 2003, Law 2.225/03 created the Truth and Justice Commission. The Commission aimed to “investigate facts that constitute, or may constitute, violations of human rights committed by public or government agents from May 1954 until the enactment of the law” (art. 1), and must “cooperate with relevant bodies in clarifying violations of human rights carried out by State and parastatal agents” (art. 2b), “to identify perpetrators as far as possible”(art. 2c) and “to provide all evidence to the judiciary to allow the justice system to act immediately in view of safeguarding the rights of victims and avoiding the impunity of those responsible for such violations” (art. 2 e). The work of the Commission ended in August 2008 with the publication of a truth and justice report, in which it determined the existence of 336 victims of enforced disappearances. All information compiled by the Commission was forwarded to the Public Prosecutor’s Office of the State in 2008 with the aim of opening investigations on the facts compiled, as provided for by law 2.225/03.

100. The source argues that the Commission also assumed the task of finding the disappeared, creating a campaign entitled “Break the Silence”, aimed at obtaining confessions of those responsible for hiding the bodies of the disappeared. According to the information received, thanks to the many testimonies made, 27 sets of remains have been allegedly found in police stations and other clandestine cemeteries. Prosecution authorities were reportedly repeatedly requested to identify the bodies and to initiate appropriate procedural steps. This request has been ignored by the competent authorities; in fact, none of the bodies has been identified nor has any measure been taken to investigate and punish those responsible for the enforced disappearances.

101. Since 2006, 27 sets of remains of disappeared persons have been found and exhumed in different police stations and clandestine cemeteries. These findings were allegedly obtained thanks to work conducted by the Research Unit of Enforced Disappearances and Extrajudicial Executions of the Truth and Justice Commission. Between July 2009 and March 2013, the work was carried out by the Department of Truth, Justice and Reparations dependent on the Ombudsman; and since April 2013, by the Directorate of Reparations and Historical Memory.

102. According to the source, in 1991, before the creation of the Truth and Justice Commission, two human skulls were found at the site of the Special Group of the National Police (ex Security Guard), which were deposited with the Court, then subsequently recovered by the Commission and taken to the Forensic Laboratory of the Public Ministry. In 2006, a skeleton was identified and exhumed in Guaira, in the district of Cerro Jovere and Paso Yobai. In March 2008, two more skeletons were found at the municipal cemetery in the city of Paraguari and transferred to the Forensic Laboratory of the Public Ministry. No attempt at identification of the remains has been made.

103. On 23 July 2009, two skeletons were identified and exhumed on the premises of the Special Group of the National Police, in a courtyard that served as

clandestine cemetery for many of the disappeared. The remains were taken to the Forensic Laboratory of the Public Ministry and have yet to be identified. Anthropological reports on these findings have been made and complete genetic profiles obtained by the Argentine Forensic Anthropology Team. This work was allegedly funded by Argentina without any support from Paraguay.

104. The source also reported that, on 23 December 2009, another skeleton had been identified and exhumed, also in the premises of the Special Group of the National Police, which was also transferred to Forensic Laboratory of the Public Ministry. As in the previous case, an anthropological report and complete genetic profiles were obtained by the Argentine Forensic Anthropology Team. This work was, again, reportedly funded by Argentina only, without any contribution from Paraguay.

105. On 25 March 2010, a skeleton was found in the premises of the Special Group of the National Police. On 5 May 2010, another skeleton was found following work in the clandestine cemetery of the Special Group of the National Police. On 5 August 2010, two skeletons were found on the premises of the Specialized Group of the National Police. From 20 to 23 December 2010, five skeletal bones were found in the same mass grave of the Compañía de 7 de Agosto in the district of Carlos Antonio López, Itapúa.

106. On 28 September 2011, a skeleton was located in trench no. 203 on the premises of the Special Group of the National Police. On 4 October 2011, another skeleton was found in trench no. 205 of the Special Group of the National Police. On 8 November 2011, another was found in the Special Group of the National Police. On 16 February 2012, a skeleton was found in the secret cemetery of the Special Group of the National Police. On 19 and 20 March 2013, two skeletons were found in trench no. 252 of the Special Group of the National Police. On 6 August 2013, two skeletons were found in a farm near Tavaí, Caazapá department, which served as headquarters for forces led by former President Alfredo Stroessner. On 1 November 2013, two more skeletons were found in a mass grave in María Auxiliadora Tava'i district, Itapúa.

107. According to the source, although the above-mentioned remains were exhumed and transferred to the forensic laboratories of the Public Ministry, they were not identified, which left the families of the disappeared persons in a state of uncertainty. The demands made by the victims that steps be taken to identify the remains, which after more than six years are still being found on police premises are allegedly being ignored by the State authorities, thereby obstructing their right to know the whereabouts of their relatives, given that many of the remains could belong to them. The source also reported that there is a general situation of impunity in relation to all cases of enforced disappearance.