

**FEBRUARY 10, 1991**

# **PARAGUAY**

## **NEW OUTBURSTS OF VIOLENCE**

### **IN LAND DISPUTES**

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## INTRODUCTION

A year and a half after the overthrow of Alfredo Stroessner and the election that brought General Andrés Rodríguez to power in Paraguay, a new wave of peasant land occupations has seized the country, and the government has responded with severe repression.

For thousands of peasants, the February 1989 coup and Rodríguez's promises of respect for human rights meant their moment of justice. Since then, peasants have spontaneously occupied lands that belonged to *latifundistas*, or owners of very large tracts of land (*latifundios*) in at least seventy places around the country.

To his credit, Rodríguez mainly has fulfilled his promise to promote full respect for human rights. Many labor unions, political parties and peasant organizations have been legalized. The news media operate with a certain degree of self-censorship, especially on the subject of the president's past, and a handful of journalists have been detained while reporting labor and land disputes. In general, however, press freedom has improved.

Land disputes, however, continue to be managed as in the days of Stroessner. Evictions, accompanied by mass detentions, follow most occupations. In some cases the local authorities carried out the detentions with judicial warrants, but in most other cases the arrests have been arbitrary. The sheer number of detentions is shocking, even by Stroessner standards. In our last report we cited 167 reported detentions between 1986 and 1987.<sup>1</sup> Since Rodríguez took office in May 1989, peasant organizations have registered over 800 detentions.

The detentions are in turn conducted with excessive violence, including beatings. Homes are destroyed. In several cases reported to Americas Watch, personal belongings such as farming tools were either confiscated or stolen by security forces. Communities have also been sealed off by the military for up to two months, during which time authorities prevented the delivery of food and medicine and forbade peasants to meet or work.

In another common practice, landowners hire gunmen to evict occupants. In some cases, local soldiers accompany the gunmen. These groups have terrorized peasants. In one occupation in the department of San Pedro, peasants fought back. The ensuing melee resulted in the death of one gunman and several wounded peasants. The Paraguayan press described the event as a sign of what could break out if landowners continued to hire civilian gunmen to evict peasant squatters.<sup>2</sup>

The areas most affected by violence include the departments of Alto Paraná, Caaguazú, Canindeyú, San Pedro, Concepción, Guirá and Itapúa. Many are predicting that land disputes may become violent in the department of Misiones, as well. Peasant organizations estimate that more than 12,000 families are occupying land. They also believe that about 600 "neighborhood commissions," recognized as legal representatives of their communities by the Rural Welfare Institute (*Instituto de Bienestar Rural* or IBR), which is the governmental body charged with implementing agrarian reform laws, are attempting to obtain legal title to their lands through that same entity. Illegal occupations certainly remain the most effective, if not the only way, to obtain public attention and eventually, land titles. It is clear, therefore, that occupations will continue.

Americas Watch does not take a stand on whether peasants or landowners have better legal claims to title over disputed lands. Our concerns are limited to reprisals taken by the authorities and to violations of due process committed by security forces and the judiciary in legal actions against the peasants under Paraguayan and international law.

The practices mentioned above have been documented by an Americas Watch fact-finding mission to Paraguay in August 1990. Americas Watch interviewed peasants at occupation sites and in the Ciudad del Este jail (known as the *Delegación de Gobierno*), peasant organizations, human rights lawyers, congressional representatives concerned with human rights violations, church representatives, and the president of the IBR.

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<sup>1</sup> Americas Watch, Paraguay: Repression in the Countryside, May 1988, p. 10.

<sup>2</sup> Ultima Hora, August 4, 1990, pp. 10-11.

## BACKGROUND

Paraguay is a sparsely populated country, with three million inhabitants, or 7.4 persons per square kilometer. Less than one tenth of the land in Paraguay is developed and available for farming.

Sixty percent of the population are peasants. The government estimates the number of landless families to be between 50,000 and 70,000. Peasant organizations, on the other hand, claim there are more than 300,000. Academics place the figures between 100,000 and 150,000.

State violence related to land disputes has been an issue in Paraguay at least since 1983,<sup>3</sup> although since 1989 the situation has worsened. The origins of the problem stem from the fact that most Paraguayan peasants have never held legal title to lands they worked, since for cultural reasons, peasants traditionally believe that the land simply belongs to whomever works it. In addition, the poverty, illiteracy and total lack of state services in many areas of the country (including education, utilities, health and transportation) have made access to information, not to mention the knowledge on how to defend their rights before the IBR and the judiciary, extremely difficult to obtain.

Until 1983, communities of peasants were able to move into virgin land and develop it. But that changed with the economic repercussions that emerged from the construction of the huge Itaipú hydroelectric dam in the 1970s. Thousands of peasants abandoned their farms to work on the project. Upon its completion in 1980, they remained in the Alto Paraná region, searching unsuccessfully for ways to reestablish themselves as laborers or farmers. The influx of dollars that accompanied the construction of Itaipú also led to new foreign investment. Paraguay, with almost no national industry, offered only land as a means of investment and financial speculation. The purchase of huge expanses of land by large foreign corporations pushed up its value.

Meanwhile, the "land reform" that Stroessner launched in 1963 was important on paper but did little either to protect the peasants' rights to land or to correct the unfairness in land distribution. Much of the state-owned land that was to have been developed by peasants under the 1963 law was instead sold off at give-away prices to Stroessner's friends, relatives and business associates. An agrarian census conducted in 1981 revealed that almost eighty percent of the land in Paraguay was still owned by one percent of the population. Today, forty-one foreign companies own about 36.3 percent of Paraguayan territory. Paraguayan *latifundistas* own another 42 percent.<sup>4</sup>

Land reform is a major tenet of the governing Colorado Party Doctrine, and it was emphasized in the 1967 Constitution as the means by which the *latifundio* would be progressively eliminated in Paraguay. Law 854, known as the New Agrarian Statute, made certain categories of privately-owned land subject to state expropriation, including *latifundios* larger than 10,000 hectares in the fertile eastern region of the country, and larger than 20,000 hectares in the northwestern area known as the Chaco.

There are two important provisions concerning peasants' rights in land disputes in Law 854. Article 146(d) provides that private lands are subject to expropriation when "peacefully occupied in good faith by a considerable number of inhabitants but for less time than that required by Law 622 of August 19, 1960 (i.e., twenty years) and necessary in order to resolve problems of a social character."

Article 136 lays out the legal procedure to be undertaken in case a landowner should seek the eviction of occupants. "Judges and tribunals shall not proceed with evictions without confirming that the procedure required in this article has been carried out..."

In sum, the law allows the *Instituto de Bienestar Rural* extensive discretion. If it chooses, the government can resolve land disputes and transfer property rights to peasant settlements peacefully occupying rural lands that have not been developed by private owners. Unfortunately, as this report documents, the legal rights of peasants have

<sup>3</sup> See Americas Watch, *cit.*

<sup>4</sup> Palau, Tomás, *et al.*, BASE/IS, "Dictadura, corrupción y transición," Asunción, June 1990.

been honored mainly when conflicts have become public. The IBR's powers have been used sparingly, and disputes continue to involve the use of illegal repression.

For its part, the Civil Code provides that, in cases where an eviction is ordered and persons subject to that order resist it, the use of public force is allowed if a judicial warrant has been issued. Belongings may be removed from the property. Nothing in these provisions, however, allows for the detention or physical abuse of peasants, or for the destruction of their belongings. Police must carry out evictions in the presence of a judge. In no case is the intervention of the military justified under the law.<sup>5</sup>

## THE GOVERNMENT'S POLICY

The new government's policy in the matter of land disputes involves two contrary responses to the problem. On the one hand, the government created the National Council for Rural Development (*Consejo Nacional de Desarrollo Rural* or CONCODER) to deal with the issue, and placed a populist military officer at its head. Peasants were invited to participate in the CONCODER. And, the government promised, both in general and in specific cases, that lands in conflict would be expropriated. The IBR, meanwhile, continued to process peasants' requests to legalize occupations through its painstakingly slow and corrupt bureaucracy.

On the other hand, the executive branch ordered the army and police to evict peasants. As the military eventually dominated these evictions, the intervening forces became known as the Joint Task Force (*Fuerza de Tarea Conjunta* or FTC). During the first year, the military acted when called upon by landowners (see kilometer 28 case below), and in very few cases were legal formalities observed.

The CONCODER and the IBR continued to promise solutions, but never publicly protested the illegal military intervention in the conflicts. Moreover, the communities in which the military intervened often were on the same land that the CONCODER and the IBR had recommended for expropriation.

In these first evictions carried out by the FTC, men, women and children were loaded onto trucks and removed, and were often severely beaten in the process. Their homes and crops were either burned or plowed under. The men were often detained. Detention facilities included private sheds belonging to large landowners (see Arroyo Seco case below), and nearby military barracks. In most cases, the local government authority and the landowner accompanied and supervised the military action, according to the peasants. The judicial branch, the only body that can legally order evictions, acted only occasionally to legalize detentions that had already occurred.

Around September 1989, the violence began to increase. Hundreds of peasants were beaten during arrests and imprisoned for periods varying from a few days to several months. President Rodríguez made public statements to the effect that the government had "declared war" against the illegal occupations.

By June 1990, pressure from the Catholic Church and the political opposition forced the government to take greater care to respect legal resolutions to land disputes. The Church maintains a position reflected in the following declaration, published in a special document on land disputes in August 1990 by the Paraguayan Bishops' Conference: "The Church does not agree with illegal invasions of land, but neither does it agree with the use of violent evictions, the sealing off of communities, or unjust detentions that result from these procedures."<sup>6</sup>

The heightened role of the judiciary in the eviction process, however, did not necessarily diminish abuses committed by security forces. Both the civil and the criminal courts have intervened in these cases, since landowners affected by illegal occupation may charge peasants with criminal offenses unconnected to the occupation itself, such as robbery, in order to obtain their imprisonment.

Under Article 646 of the Paraguayan Civil Code, landowners are obliged to begin a lengthy process of

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<sup>5</sup> For a more extensive analysis of the origins of conflict and the laws concerning agrarian reform, see Americas Watch, *cit.*

<sup>6</sup> "Análisis del Mes", August 1990, p. 22.

establishing claim to title and possession (or formally in Spanish, *interdicto posesorio*). However, since the owner must "have had real possession of the property....," and many landowners do not live, much less work the land they own, the eviction order may be a difficult and lengthy process.

An increasingly popular route taken by *latifundistas* to dislodge peasants is through the Penal Code. Because trespassing and peaceful occupation are minor offenses for which arrests are not warranted, landowners frequently charge peasants with more serious crimes -- such as theft of wood or death threats -- so that the courts will order arrest warrants. Landowners also often allege that peasants "violently and clandestinely usurp" the landowners' property.

The President of the Supreme Court, Luis Alberto Correa, recently stated that the correct manner in which to handle the eviction of peasants is through the Civil Code, since in almost all cases the occupations have been peaceful (i.e, crops were not destroyed, fences were not broken, etc.).<sup>7</sup>

Even if the application of the Penal Code against peasants were justified, detention practices have incurred serious violations of criminal procedure. Warrants for arrest can be issued only against named persons. Arrest warrants to which Americas Watch has had access, however, list two to seven names followed by the words, "and others." These open-ended warrants have permitted the military and police a free rein in arresting all the persons that can be found, including passersby.

Paraguayan law stipulates that a judge must personally inform the prisoner of the cause for his arrest within 48 hours. As is the case with most common-crime detainees, this timeframe is rarely observed. The judiciary also has allowed another practice to take place while peasants accused of illegal land occupation are in prison: Landowners take advantage of the time during which lengthy legal process is being hashed out in court, to destroy homes and crops on the lands in dispute, and to tear down trees and burn jungle, so they can subsequently claim that they were developing the disputed land.

While peasant organizations claim that some 2,000 peasants currently have charges pending against them, in no case has a judge followed through with an investigation, like in the times of Stroessner. Detentions are used as a mechanism for intimidating peasants. And the moment of a peasant's release appears to depend more on political will, generally influenced by the degree of public protest, and expressions of concern by entities such as the new Congressional Human Rights Commission, than on evidence (or lack thereof) for crimes he has supposedly committed.

It is important to point out that even when a civil court orders an eviction, as in the Japanese International Cooperation Agency (JICA) case described below, peasants are arrested all the same.

The destruction of peasants' homes appears to be an official government policy. In almost all cases known to Americas Watch, security forces have carried out the destruction of peasants' homes on disputed lands. This destruction takes place in the course of the eviction process, not as a way to clear the land for the rightful owner. Security forces burn homes and crops and destroy the personal property of occupants, including their farming tools. In the cases where evictions are carried out pursuant to a court warrant, such judicial orders do not -- and could not under the law -- include instructions to destroy homes and property.

Even if landowners had a right to remove the personal property of others from his land, such action should take place after his absolute right to title has been satisfactorily established by a court of law, and then only after adequate notice to the former occupants so that they can remove their property by their own means. As it happens, this destruction takes place simultaneously with the forcible eviction, and more often than not without any judicial order. The only reasonable conclusion is that this unnecessary destruction of property is done deliberately to discourage land occupations, whether or not the occupants have a colorable right to the land. That such a lawless policy is regularly executed by agents of the state is evidence that the Rodríguez government consciously engages its forces in this practice that violates fundamental rights to property and due process.

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<sup>7</sup> *Hoy*, August 29, 1990, p. 12.

The day after a newspaper article reported that Americas Watch had witnessed police burning homes in Alto Paraná, Supreme Court President Luis Alberto Correa commented to the press that "the burning of shacks is not a legal method." He explained, "What the law says is that in the case of evictions, if they are not carried out voluntarily, the commissioned judicial official must resort to public force. This is what the law says. But to evict them, not to burn down their homes."<sup>8</sup>

In this same interview it was reported that Correa was concerned that judges had confirmed that some landowners seeking evictions in fact did not possess legal land titles. He concluded his remarks by suggesting that the eviction procedure be carried out strictly according to the law. To date, however, the Supreme Court has taken no legal measure to question the validity of the actions of local judges regarding these violent evictions.

At the beginning of 1990, many believed a change had occurred in the official policy toward land conflicts. The president of the *Instituto de Bienestar Rural* was fired and a young agronomist, Basilio Nikiphoroff, known for his criticism of Stroessner's agrarian policies, was named to head it. His first actions in office heightened expectations: he opened an investigation into the illegal sale of state lands by his predecessors, and also fired those functionaries publicly recognized as corrupt. However, in May, June and July the number of violent evictions continued to increase.

In August 1990, the IBR's powers expanded when its competing government agency, the CONCODER, was dissolved. Despite its new power, however, the IBR's role in protecting peasants' rights to land did not grow.

Also in August, following months of opposition protest centered on the unconstitutionality of the military's intervention in land disputes, President Rodríguez announced that a special police unit, the *Policía de Operaciones Especializadas* or POE, trained for anti-terrorism warfare, would now be in charge of evictions. As mentioned above, Americas Watch witnessed the conclusion of a POE action on August 24, 1990, in Ita Verá, Alto Paraná, in which the supposed landowner, the governor of the department of Alto Paraná, and the police together burned down 32 homes. (See case description below.) These continuing extrajudicial reprisals appear to form part of a government strategy of physical and economic intimidation, initiated by the military eviction squads and apparently continued by their police counterparts.

Nikiphoroff, in an interview with Americas Watch, emphasized that the IBR lacked the necessary power to intervene successfully on behalf of peasants in land disputes. He blamed the situation on both a corrupt judiciary and a slow-moving parliament, the latter of which is by law responsible for the approval of expropriations and for any necessary legal reform.

Nikiphoroff said that he was present during the eviction of three communities on a Japanese property called JICA, (see below). In this case, a legal eviction order existed. However, 94 peasants were illegally detained, and several women reported physical abuse, with one case resulting in broken ribs and another in a miscarriage. Nikiphoroff described the incident as "one of the saddest things" he had seen in his life. Nevertheless, when pressed on the use of violence and mass detentions, the IBR president revealed a resigned, if not complicit, attitude: "What is the option?" he responded.

## ABUSES COMMITTED DURING EVICTIONS

The following cases came to the attention of Americas Watch during its fact-finding mission of August 1990. This sampling of cases reveals a pattern of abuse committed by authorities in land disputes. Sources include newspaper articles, and in all but the JICA case, interviews with the victims themselves.

### Kilometer 28 "Monday," Alto Paraná

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<sup>8</sup> *Hoy*, August 29, 1990, p. 12.

This case exemplifies the range of abuses that have been committed by the military and the police in the eviction of land occupations. Among the abuses that emerge from testimonies are: the sealing off of the community by the military, barring meetings and work in the fields; illegal arrests; illegal use of military barracks as a detention cite; beatings during arrest; destruction of homes and crops; harassment of journalists; not informing prisoners of the reason for their arrest within 48 hours during legal detentions; and denying detainees adequate food and shelter during their first days in jail.

The lands in conflict, near the 28 kilometer marker on the highway heading west from Ciudad del Este, are supposedly owned by a Brazilian named Florentino Rosatto. Peasants report that they had believed the lands to be state-owned. Twenty years ago, the IBR had named a local priest, Guido Coronel, as administrator of these and surrounding state lands. Guido Coronel was the uncle of the chief of police under Stroessner, Pastor Milciades Coronel (who is currently imprisoned on charges of torture and assassination; see below). Guido Coronel illegally sold off state lands, including the land in conflict. Today he still controls large stretches of territory.

Most of the information gathered on this case stems from interviews by Americas Watch with the 50 members of the community in the local jail in Ciudad del Este, as well as a second interview with women at the site itself. The following is the prisoners' testimony:

We entered on May 15, 1989 (the day Rodríguez took office). We believed that they were state lands, all woods, and undeveloped. Twelve days went by and the repression began. A Colonel named Zaracho came and told us that in three months our case would be resolved and we would be able to return, so we abandoned the land peacefully. After three months had passed we returned on August 10, 1989. On September 12 at 11:00 a.m., General Allende arrived with around 300 soldiers. It was terribly violent; they beat us with billy clubs and with the butts of their rifles, they burned down our houses. There was no judicial warrant for eviction or for arrests. They told us we had to disappear. 143 people, including women and children were loaded onto trucks. Even the women were beaten...

A woman in the community told Americas Watch that when the military arrived, many children, including two of her own, fled into the woods in the ensuing chaos. As soldiers herded them onto trucks, she shouted that she had lost her children, but the soldiers refused to let her off the truck. The children were found by their mother the next day. After spending the night lost in the woods, they had reappeared several miles from the occupation sight in a nearby settlement.

As we came out onto the main road at kilometer 30, the trucks stopped at a local bar, where the Governor of Alto Paraná and Rosatto had been waiting, to tell them that the job was done. At kilometer 21 two journalists, Héctor Guerrin of *ABC Color* and Derlis Cañete of *Radio Itaipú*, saw us approaching and began to take pictures. The military stopped them and confiscated their equipment. We were taken to the military barracks [called] "Batallón de Frontera," where the governor visited us. He said that he did not want to see us ever again, and that if he found us he was going to take us to the border with Bolivia [which is a desert in the department of Chaco].

All of us but two, Pedro Vargas and Idelino Silvero, were released at 8:00 p.m. When Idelino asked if this was democracy, a soldier hit him in the face. As we left they gave us one kilo of flour and half a kilo of crackers, which was not enough even for one family's supper. We set up a camp alongside the road at kilometer 24. We spent twelve days in the open in protest. The neighboring peasants brought us food, and the Brazilian press interviewed us. When our two companions were freed, we abandoned the camp, and on the following day we participated in a march in Ciudad del Este [that included] landless peasants from many communities.

Col. Ramírez, the head of CONCODER and the governor at that time promised us that we would be able to obtain title to our land. He gave us a document signed September 21 promising us the land. Celebrating, we returned to our settlement.

However, on September 26, 1989, the problems began again. Rosatto reappeared with his lawyer, four or five officers and ten or twelve soldiers. We showed him the document, but he claimed it was invalid. The military continued coming to our colony. They prohibited us from working and from holding meetings, even meetings related to the school we had built and religious meetings. We obeyed them.

In January 1990 they set up a camp on the land -- two officers and twelve soldiers. They would not let us work. When we built the church, they tore it down. And we built it again. Then we invited Bishop Medina to come and hold mass in our church. When he arrived, the military picked up their camp and left. But they had been there for almost two months.

On July 23, 1990, the FTC arrived with soldiers from the local barracks, this time with a judicial warrant for the arrest of three people plus 'others.' We were working in the fields, and they sent the women out to get us, supposedly because they wanted to talk with us. Lt. Col. Quiñones said that he was acting under orders. Fifty two of us were arrested this time and brought here to the local jail in Ciudad del Este.

We spent the first five days in a shed. We slept on the floor and had no blankets. On the first day they gave us one cracker each to eat and that was all. On the second day two crackers. On the third day they gave us *mate cocido* [a local tea]. On the fourth day, representatives from Congress visited us, and after that we were permitted to spend the day outdoors, and to sleep in the barracks behind the jail. After eight days we were summoned by a judge, who informed us that we were charged with robbery, death threats, theft of wood and usurpation of private property.

The peasants were released at the end of September 1990.

### **Ita Verá, Alto Paraná**

The Ita Verá, Alto Paraná case is interesting because it reveals not only the pattern of abuses but also the background to the dilemma faced by the peasants. For 27 years the Ita Verá community has farmed 510 hectares in a remote area along the Paraná River, although to date they have no legal title. Originally there were fifteen families; today there are 420, one hundred and eighty of which have no land and survive because those who do have land to farm give the landless work selling produce in Argentina.

Shortly after the peasants settled, a German investment firm known as IVP bought up thousands of hectares in the region. The original community boundaries were respected, although the peasants were prohibited from moving into surrounding woods.

In 1981, the peasants of Ita Verá first began the lengthy process of trying to obtain legal title, and to extend the limits of their community to include the lands now in dispute. While IBR officials have promised the peasants a favorable ruling, to date the case remains unresolved.

The same day that Rodríguez assumed the presidency -- May 15, 1989 -- the landless peasants of Ita Verá began to clear surrounding jungles, plant crops and build their wooden shacks.

When Americas Watch visited the community, the military had already twice evicted peasants from the recently settled part of Ita Verá, although on neither occasion with a legal eviction order. The second eviction occurred on July 12, 1990, when the military arrived with a warrant to arrest seven members of the community "and others." By the time the soldiers arrived, five of those on the list had already fled. Two men on the list were found and arrested, and 37 other peasants (or as many as could be captured as they fled into the woods) were detained at the same time.

The prisoners were taken to the local jail in Ciudad del Este, where they encountered peasants from two other communities. Together they numbered approximately 160, and due to overcrowding, were kept for four days and nights outside in a patio.

On the following day, July 25, the military returned to Ita Verá with bulldozers. They destroyed all but one home, which was surrounded by women and children who cried that they were willing to die to save their ranches. When the women's husbands learned what had happened, they began a hunger strike in jail, which ended with their release 18 days later.



On August 24, 1990, Americas Watch witnessed the conclusion of another police operation in Ita Verá. The first sign of trouble appeared about 120 kilometers down a precarious dirt road from the main highway, while on our way to the settlement, when we were forced hurriedly to pull over and make way for four government vehicles barreling towards us. As they roared by, the first jeep was identified as belonging to the governor of Alto

Paraná. The rest were police jeeps and trucks. Ten kilometers further down the road we reached the deserted settlement and kindling ashes of what remained of the peasants' wooden shacks.<sup>9</sup>

We found the peasants gathered in a community meeting in old Ita Verá. They informed us that 32 houses in all had been burned, together with mattresses, blankets and other belongings. They also reported that farming tools had been stolen. One woman who claimed that she demanded that the governor show her the eviction order, said that his only response was "that if we want plants we should buy pots, and that if they couldn't get us off any other way that he was going to sprinkle seeds of grass sod [which impedes the growth of cotton, soy and subsistence crops planted by the peasants] from airplanes."

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<sup>9</sup> The photograph on this page, taken on August 24, 1990, shows the smoke and ashes that remain from a peasant's home in Ita Verá that was burned down by police a few hours earlier. (*photocopy of color photo*)

### **Tavaí-Borda, San Pedro**

Tavaí-Borda, located in the central department of San Pedro, suffered one of the most violent evictions to date under the government of President Rodríguez. Americas Watch interviewed peasants from this settlement in the National Cathedral in Asunción, where they had set up camp to protest their situation. The principal account we have used, however, was a letter written by one of the peasants during his imprisonment and published by a non-governmental group called Communication and Education Workshop (*Taller de Comunicación y Educación* or TAPE).

Peasants settled in Tavaí-Borda in May 1989. In November of that year, the community was surrounded by the military for eleven days, during which time the peasants were unable to receive food or medicine from social organizations. When one peasant tried to enter with medical supplies during those eleven days, he was beaten by soldiers and the supplies he was carrying were confiscated.

On November 12, the first and most violent eviction occurred. The raid took place at 2:00 a.m., despite the legal stipulation that judicial orders must be carried out in daylight. One of the peasants, Agapito Cañete, a leader of the National Coordinator of Farmers, (*Coordinador Nacional de Productores Agrícolas* or CONAPA), was apparently singled out for abuse. He was severely beaten by soldiers, suffering the loss of all his teeth and a broken jaw. The following are excerpts of a letter he wrote from Tacumbú National Prison:

I told them that I would not offer resistance but that I would not leave my machete. As I finished the phrase, they hit me in the back of my head with the butt of a rifle. I fell to the ground and I felt them stepping on me. They destroyed me; they broke my jaw, my teeth were knocked out, they beat me all over my body... When we got to the hospital they sewed my head and jaw without anesthesia. That made me remember human rights, and democracy too. For three days I drank my own blood.

Cañete was then transferred to the military hospital where his jaw was operated on.

I spent nine days incommunicado in this hospital. My wife, children and brothers searched for me there; journalists went too, and they denied that I was there.

Eventually, the military admitted he was in the hospital, but he was promptly transferred to the police clinic where he spent 51 days before the police took him to Tacumbú Prison. He was released from Tacumbú in March 1990.<sup>10</sup>

During the Americas Watch mission in August, a group of peasants from Tavaí-Borda were camping out at the National Cathedral in Asunción to protest the continued detention in the Concepción jail of fifteen of their companions.

### **Agüerito (Arroyo Seco), Concepción**

In this case, 240 peasant families took over lands owned by Mate Larangeira y Mendes, S.A., a company that owns more than 30,000 hectares. Two years before the land occupation took place the peasants requested that the government expropriate 5,000 unexploited hectares. The IBR was still studying the case when the judiciary ordered the eviction carried out by the military on July 10, 1990.

Fifteen days before the eviction the military sealed off the settlement, preventing occupants from entering or leaving the community.

On July 10 at 1:00 p.m., the Joint Task Force (FTC) raided the community and arrested fifteen persons. In August during the Americas Watch visit, they remained imprisoned in the Concepción jail, while other members of their group had set up camp with Tavaí-Borda and other peasant groups in the National Cathedral in Asunción to

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<sup>10</sup> "Agapito Cañete from Tacumbú Prison", *Taller de Comunicación y Educación* (TAPE), January 24, 1990.

protest their situation. The following account is based on interviews with the peasants in Asunción, and is corroborated by press reports.

During the raid, eighteen of us had our hands tied behind our back and were thrown face down on the ground. They walked on us and kicked us. They hit us with the butt of their rifles and with wood billy clubs. They put dirt in each of our pockets and made us eat it. They told us that now we were not landless peasants, that we were dirt. Fifty-six of us were taken in trucks to a shed on the *estancia* [large farm or ranch]. We spent a day and a night there. Eighteen of us were left face down on the ground with our hands tied behind our back all night. The next day, fifteen were taken to Concepción jail, and the rest of us were dropped off in different spots in groups of ten to fifteen.<sup>11</sup>

### **JICA, Alto Paraná**

Three peasant settlements -- San Luis, Nueva Alianza, and Clysa -- on property belonging to the Japanese International Cooperation Agency (JICA) in Alto Paraná, were evicted on July 24, 1990 by the military. In this case the military had a legal eviction order. Ninety-four peasants were arrested, however, without warrants. And, the settlements had been sealed off by military forces for nearly a month before the eviction. According to peasant reports published by the press,<sup>12</sup> considerable violence was employed during the eviction. A priest who sheltered several peasant families reported that one woman suffered a miscarriage as a result of the raid and another had a rib broken when a soldier beat her.<sup>13</sup>

According to the president of the Association of Farmers of Alto Paraná (*Asociación de Agricultores de Alto Paraná* or ASAGRAPA), during the month in which the military set up camp next to these settlements, not only were occupants barred from entering and exiting the area, but like in the Tavaí-Borda case, troops prevented food and medicine from being delivered.<sup>14</sup>

The local office of one of the only human rights organizations functioning in the area, the Church Committee (*Comité de Iglesias*), whose lawyer was present during the eviction, reported the arrest of 94 peasants along with the detention of nine theology students visiting the settlements at the time of the eviction. The theology students were released within a few hours, while the peasants remained in jail for four days without charges.

The president of the *Instituto de Bienestar Rural* (IBR) was present during this eviction.<sup>15</sup>

### **CIVILIAN GUNMEN**

There has been growing concern in Paraguay, as expressed in the mass media, that landowners are organizing death squads similar to those that function in the Brazilian countryside.<sup>16</sup> Basis for this fear lies not only in the increase of incidents involving hired gunmen in land disputes, but also in public statements issued by the

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<sup>11</sup> A similar account was published in *Hoy* on July 14, 1990, on p. 36.

<sup>12</sup> *ABC Color*, July 25, 1990, p. 6.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Diario Noticias*, July 18, 1990, p. 16.

<sup>15</sup> See section on government policy above.

<sup>16</sup> See, Americas Watch forthcoming report on rural violence in Brazil.

Paraguayan Rural Association, an organization of landowners. In a May 1990 press release, the association instructed its regional offices to "defend landowners affected by illegal occupations..." and to "use every possible means to impede new invasions anywhere in the Republic, no matter who is affected."<sup>17</sup> The association also has repeatedly attacked the Catholic Church for its activities in defense of peasants' rights, accusing it of "instigating" illegal occupations.

IBR President Nikiphoroff himself has expressed concern over the rising level of violence: "...I am more frightened by the violence carried out by the landowners than that of the peasants,"<sup>18</sup> he said last June during the II Economic Congress.

Particularly worrisome is the persecution of peasant leaders by gunmen -- hired by landowners -- because of its infringement on the right to free association. The problem is compounded by the level of influence enjoyed by *latifundistas* at a local level over the police, military, judiciary and government authorities, and their resulting immunity from prosecution. Even in those instances in which the IBR has recommended state expropriation of lands, landowners remain above the law as they harass peasants with hired thugs.

In **Torin, Caaguazú**, a case covered in the last Americas Watch report, peasants who had lived on lands for more than twenty years finally obtained legal title. Yet gunmen and soldiers from the local barracks prevented the peasants from farming the lands by threatening them and by erecting wire fences to keep the peasants off the land expropriated by the government, but which the owner refuses to give up. Neither the judiciary nor the police has taken action against either the members of the military involved or the landowner's gunmen involved in harassing the peasants.

In **Cororó-í S.A., Santa Rosa de Lima, department of San Pedro**, a settlement on land that has been recommended for expropriation by the IBR has been continually harassed by a group of thirty plainclothesmen armed with automatic weapons. On June 17, 1990, the group of plainclothesmen attacked the peasant community, but were met with resistance. The gunmen arrived saying that they were looking for two peasant leaders, Manuel Cabrera and Gregorio González, who are both members of the Central Commission of Landless Peasants of Villa de San Pedro. Fearing for their lives, they had taken refuge in the parish of a nearby town.

For months the peasants had been requesting police protection, but their request was was routinely denied. They accused Bertil Lindstrom, president of the local Colorado Party *sub-seccional* (headquarters) of organizing the gunmen. Lindstrom apparently is a friend of the owner of the property.<sup>19</sup>

During the latest clash between peasants and gunmen in July 1990, at least one person was killed and eight or ten were wounded.<sup>20</sup> After a series of articles in the newspaper *ABC Color*, in which police were quoted denying the involvement of Lindstrom, the Colorado Party official was eventually arrested and reportedly is being prosecuted.

On April 21, 1990, **Arnaldo Velásquez**, a Colorado Party leader and former IBR officer, and a group of seven armed men in civilian clothes intercepted ten peasants who were living on lands in Alto Paraná that Velásquez claimed were his. The peasants were "brutally beaten," according to their testimony before the Congressional Human Rights Committee.<sup>21</sup> After considerable press coverage of the episode, the local police sheriff announced that he had arrested Velásquez. *ABC Color* journalists reported, however, that Velásquez was in fact free. Velásquez

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<sup>17</sup> *Informativo Campesino*, No. 20, May 1990, p. 13.

<sup>18</sup> *Informativo Campesino*, No. 21, June 1990, p. 26.

<sup>19</sup> *Ultima Hora*, July 9, 1990, p. 22.

<sup>20</sup> *ABC Color*, July 30, 1990, p. 5; and July 31, 1990 p. 14.

<sup>21</sup> *Informativo Campesino*, No. 19, April 1990, p. 7.

subsequently filed charges against the peasants for robbery, leading to the immediate arrest of several peasant leaders.

## PERSECUTION OF PEASANT LEADERS

**Arsenio Páez**, a peasant leader from Colonia Americana, Ypehú, Canindeyú, and member of the National Coordinator of the Struggle for Land and Housing (CNLTV), was assassinated in May 1990, according to the CNLTV. The CNLTV claimed in a press release that two Brazilian gunmen were responsible. It also reported that Páez had been threatened five months earlier by Brazilian thugs who work for Jose Pena Netto, the former owner of lands that are claimed by 200 peasant families, and which had been recommended for expropriation by the IBR. Due to the presence of these gunmen, however, the peasants still have not been able to occupy the colony.<sup>22</sup>

**Blas Roberto Alderete**, president of the neighborhood committee in the occupation Itutí, in Alto Paraná, and member of the Association of Farmers of Alto Paraná (ASAGRAPA) and the Central Coordinator of Landless Peasants, was attacked only meters from his home on June 11, 1990 by three strangers. The attackers fired eleven shots at him but did not hit him.<sup>23</sup>

Alderete and another member of the committee, Agustín Cháves, have continued to receive threats in their community by armed men.

**Tomás Zayas**, vice-president of ASAGRAPA, was attacked in his home in Colonia Esperanza on June 5, 1990, by strangers who threatened him and stole his money, identification documents and other belongings.<sup>24</sup>

**Juan Bautista Villarreal** of ASAGRAPA was attacked on July 1, 1990, by nine Brazilians, several of whom he recognized as employees of a local Brazilian landowner. Villarreal was beaten, robbed of his money and documents, and left unconscious on the road. The attack was reported to the local police in Fortune. As of yet, no action has yet been taken against his assailants.<sup>25</sup>

## FAILURE TO PROSECUTE MILITARY AND POLICE CRIMES

Just as hired gunmen in the countryside are rarely held accountable by the courts for crimes they commit, so too do the military and police enjoy virtual immunity from prosecution. The following cases reveal a pattern within the judiciary either of refusing to take on investigations concerning members of the security forces, or of ordering arrests that are never carried out.

On December 1, 1990, police shot down **Sergio Mario Da Rosa**, a Brazilian peasant leader from a settlement in Gleba 10, Alto Paraná. The police claimed the peasant was killed during a shoot-out. According to a local priest, Agostinho Saldanha, however, the victim was unarmed and was shot in the back as he tried to escape. Saldanha publicly accused the police of working with Eduardo Bertinak, Arnaldo González, Florencio Franco, Ivo Previatelli, Marco Sandro Previatelli, and "Nene" Dos Santos, a group of civilian employees of a local landowner who has been seeking the eviction of the peasants. Saldanha also reported that as Da Rosa attempted to flee, Bertinak, the manager of the estate, shouted, "You have to kill him...you have to kill him..."

At the time of this writing, the state governor continued insisting to the press that the police had acted in self

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<sup>22</sup> *Hoy*, May 29, 1990.

<sup>23</sup> ASAGRAPA press release, June 11, 1990.

<sup>24</sup> *Ibid.*

<sup>25</sup> Villarreal's testimony, presented before a local justice of the peace (*juez de paz*).

defense. The judiciary has not initiated an investigation into the case.<sup>26</sup>

On August 5, 1990, **Nicolás Cáceres**, a leader of the Paraguayan Peasant Movement (MCP) in the recently legalized occupied territory of Nueva Fortuna in Alto Paraná, was shot and killed by Antonio González, a local police sheriff.

MCP leaders who had talked to eyewitnesses said Cáceres was returning to his home with another MCP member, **Narciso Riquelme**, after attending a neighborhood meeting. González and several soldiers intercepted them. The MCP reported that the police told Cáceres and Riquelme to stop and to put their hands in the air. When the men refused, the police fired, killing Cáceres. Riquelme escaped, and as of December 1990, remained in hiding.

The official police version of the event states that the killing resulted from a "confusing conflict between two peasant organizations in the neighborhood,"<sup>27</sup> referring to the ASAGRAPA and the MCP. ASAGRAPA leaders immediately denied the existence of a conflict with the MCP, and accused the police of a cover-up. As of this past December, no investigation has been carried out.

**Francisco Báez Gómez**, a member of the National Organization of Campesinos (ONAC), reportedly died under torture in a local police station in Minga Guazú, Alto Paraná. His niece, Margarita Báez Gómez told Americas Watch that Báez was arrested under orders of Judge Juan Pío Espinoza on May 10, 1990, in connection with the murder of a neighbor. The niece visited Báez the morning after his arrest. She reported that

My uncle said, "quickly, go and get my sister in Asunción because the police are going to kill me here; I am not going to last long," he said. He also said that they had forced him to drink a black liquid. I went to Asunción, and five minutes after I got there my uncle died. The nurse told me that when he got to the clinic he couldn't talk, and that he was all beaten up, that he died from the beating. When I told them in the hospital that I wanted a diagnosis, the sheriff arrested me for four hours because I was shouting that he had killed my uncle.

The Alto Paraná office of the human rights group, the Church Committee, filed suit on behalf of Báez's niece and sister, charging Police Chief Isaac Lezcano Flores and Judge Juan Pío Espinoza with torture and with covering up the assassination. On July 13, the intervening judge ordered Lezcano's imprisonment in the local prison. A Church Committee lawyer, however, has confirmed on several occasions that the police officer has not been arrested.

On April 28, 1990, **Gerardo López Ramírez** was shot dead as he walked down the street in the city of Curuguaty, in the department of Canindeyú. Several eyewitnesses reported that the shots were fired by Estanislao Denis, an army officer. On June 22, 1990, the Church Committee filed suit, demanding an investigation and the immediate arrest of Denis. Not only did this not occur, but according to the written statement (*demanda*) presented by the plaintiff, potential witnesses had been picked up by local military authorities, threatened, beaten with billy clubs and forced to crawl through narrow tunnels made from tin barrels. As of December, no investigation had begun.

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<sup>26</sup> *Ultima Hora*, December 12, 1990.

<sup>27</sup> *ABC Color*, August 9, 1990.

## OTHER HUMAN RIGHTS CONCERNS IN PARAGUAY

### Workers' Rights

Compared to during the Stroessner era, unions under Rodríguez have fared well. In 1989, 250 unions were legalized and two labor confederations, neither controlled by the Colorado Party, were recognized by the new government. Nevertheless, problems persist, particularly for those attempting to organize strikes.

Paraguayan labor laws traditionally have favored employers. Despite promises to present reforms, to date the government has not altered the statutes. Labor organizers and recently elected union officials are frequently dismissed by private employers, and seeking redress in the courts often takes about four years. The government-appointed Council for Conciliation and Arbitration includes labor representatives from the official Paraguayan Workers Confederation (CPT), although the two opposition confederations are excluded. The Council has declared every strike that has come under its review illegal.

Illegal intervention of the armed forces to suppress strikers has occurred in major conflicts at the Yacyretá and Itaipú hydroelectric dams. In the most severe case of the violation of labor rights under Rodríguez, two workers were killed by the military during a strike in December 1989 at the Itaipú hydroelectric dam. On December 12, 1989, Hermenegildo Benítez and Germán Cardozo Gayoso were killed, twenty others received bullet wounds, and over 100 workers suffered lesser injuries when, according to witnesses, an officer ordered troops to open fire on the strikers. Witnesses interviewed by Americas Watch claim that thousands of shots were fired and believe that the the military officer in charge had orders to kill.

The following day, due to rumors that their arrest had been ordered by a local judge, the principal labor leader, Eufègenio Lisboa, and two lawyers, Nicolás Russo and Gerardo López, fled the country. When Lisboa returned a month later, he was arrested and charged with raping a young girl. Sources close to Lisboa believe that he was unwilling to remain in prison during a trial period that in Paraguay usually lasts at least two years. They say that he negotiated his escape from prison in exchange for promises that he would abandon the country. Lisboa now lives in Argentina.

To date no investigation of the assassination of the two workers has been carried out. Moreover, in May 1990, the military officials in charge of the shootings were promoted.

Itaipú also serves as the setting for an example of the illegal dismissal of new labor union officials. These dismissals, given the lack of protection offered by the courts and the government to workers seeking redress for their grievances, severely limits the workers' right to organize.

Milton Pérez Mournier, founding member and one of the elected officials of the *Sindicato de Trabajadores de la Empresa Itaipú-Lado Paraguayo* (STEIBI), was fired on June 30, 1990. In the notification form, dated July 17, next to "reasons for dismissal," the employers responded "*sin causa*" (no reason). The union has received no response from the courts, from the company or from the government to its petitions seeking the reinstatement of Pérez Mournier.

More recently, at the site of the Yacyretá hydroelectric dam, which is currently being constructed by the Paraguayan and Argentine governments, lay-offs were used by the company in an apparent effort to impede the formation of a union. On November 13, 1990, at 9:15 a.m., the workers notified employers of the creation of a union. Less than two hours later, two of the labor leaders were fired. Joel Cabrera Barrios, "first spokesperson", and Mirta Laconich, "secretary of relations" for the new union were released from their posts.<sup>28</sup>

### Accountability for Past Human Rights Abuses

In contrast with the prompt arrest and trial of almost thirty former Stroessner functionaries accused of corruption,

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<sup>28</sup> *Ultima Hora*, November 17, 1990, p. 16.

trials concerning human rights violations during the Stroessner regime have moved slowly. The experience of other new democracies in the Southern Cone in their dealing with past abuses has influenced Paraguayan government and public opinion on both sides of the issue. Yet in Paraguay, conditions exist that could make prosecution more feasible politically than in Argentina, Chile, Uruguay or Brazil. In those countries, the armed forces threatened uprisings in response to trials. In Paraguay, it was the police who systematically violated human rights, while the armed forces committed human rights abuses less frequently. Since the trials in Paraguay involve high level police officers, the armed forces do not perceive an "attack on their institution," an argument which neighboring militaries use to justify amnesties. Moreover, the Paraguayan military has in effect identified itself with a transition towards democracy, since it was the armed forces that overthrew the dictator Stroessner and subsequently called elections. In this regard, Paraguay, as the only remaining country in the Southern Cone undergoing a so-called "transition to democracy" that has not dictated a partial or full amnesty, will be an important country to watch in the upcoming months.

While several trials are underway, relatives of the victims and human rights organizations are concerned that since the beginning of 1990, "there has been a great deceleration"<sup>29</sup> in the trials, and that cases are being intentionally stalled in the courts.

One of the leading cases in the judiciary involves the investigation of the April 6, 1976 torture and murder of Mario Raúl Schaerer Prono. Schaerer was arrested on April 5 and his body, showing signs of torture, was returned to his family two days later. Several witnesses, also prisoners at the time of Schaerer's detention, testified that they had seen Schaerer in the Political Police's Department of Investigations returning from the torture chambers in an extremely poor state. The witnesses' testimony, together with an exhumation and autopsy that confirmed the plaintiff's version of the killing, resulted in the arrest in April 1989 of Pastor Milciades Coronel, former Chief of Political Police, and police agents Juan Aniceto Martínez, Lucilo Benítez, and Camilo Almada Morel.

Since early 1990, however, the prosecuting lawyer reports that the investigation has stalled. Moreover, press reports claim that Camilo Almada Morel and Lucilo Benítez are free to return home on weekends and have been seen walking the streets of Asunción.<sup>30</sup>

The Schaerer Prono case has taken on special significance not only because of the detention of Paraguay's most infamous torturers, but because of the undeniable evidence gathered by the victim's relatives. Others, interested in filing suit in human rights related cases, are waiting for the result of this groundbreaking case.

## CONCLUSIONS

Since 1985, Americas Watch has followed events in Paraguay and published three full-length reports and two pre-electoral papers. Developments since the military coup of February 1989, the confirmation of General Andrés Rodríguez as President in May 1990 elections, and the subsequent promises of a "transition to democracy" have clearly favored an increased respect for human rights, particularly for political parties and the press. The prompt ratification of the Pact of San José, Costa Rica in July 1989 was another important sign of the new government's interest in improving the Colorado Party's human rights record. Nevertheless, serious human rights violations continue, especially in land disputes that pit wealthy landowners and developers against peasants and indigenous groups, and as a result of labor conflicts. Americas Watch is concerned about the abuses committed by authorities as they attempt to manage conflicts, and about the lack of guarantees provided to the weaker parties in these conflicts.

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<sup>29</sup> *Asamblea por la Vida* document, September 1990.

<sup>30</sup> *El Diario*, May 28, 1990, p. 20.

It is in this context that Americas Watch respectfully calls the Paraguayan government's attention to the following areas, as documented in this report:

- 1) The arbitrary arrest (without warrants) of hundreds of peasants in an attempt to force eviction from illegal settlements.
- 2) The severe beating of peasants during the eviction and detention procedure.
- 3) The destruction of homes, personal property and crops by security forces in the course of evictions that are often conducted without judicial orders and as a deliberate tactic to discourage further occupations.
- 4) The increasing intervention of hired gunmen during land disputes, and the large degree of impunity enjoyed by them and their employers.
- 5) The persecution of peasant leaders by civilian and/or paramilitary groups.
- 6) The failure in many cases of the judiciary to prosecute members of the police and military who commit human rights abuses.
- 7) The killing of two striking workers in Itaipú and the lack of accountability for that crime.
- 8) The failure to protect the rights of labor leaders attempting to organize unions in two state-run corporations.
- 9) The delays in the investigation of human rights abuses committed by police officers under the previous regime.

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This report was written by Americas Watch consultant Patricia Pittman. Much of the information herein was collected during Ms. Pittman's visit to Asunción and the Alto Paraná area in August 1990. This report was edited by Peter McCormick and Clifford Rohde, an Americas Watch Associate in the Washington office. Americas Watch wishes to thank the numerous Paraguayan organizations and persons who assisted our research, including: *Comité de Iglesias de Puerto Franco* (Church Committee), ASAGRAPA, Pastoral Social, CNLTV, BASE/IS, BASE/ECTA, CDE, lawyer Gerardo López and journalist Luis Alonso.

*Americas Watch is a non-governmental organization that was created in 1981 to monitor human rights practices in Latin America and the Caribbean and to promote respect for internationally recognized human rights standards. The Chairman is Adrian DeWind; Vice-chairmen, Peter Bell and Stephen Kass. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel.*

*Americas Watch is part of Human Rights Watch, an organization that also consists of Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein; Vice-Chairman, Adrian DeWind. Aryeh Neier is Executive Director; Deputy Director, Kenneth Roth; Washington Director, Holly J. Burkhalter;*

*California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone.*

*From Ita Verá case, Polly said to take out:*

*An issue outside the scope of the work of Americas Watch, but key to the peasants' claim, concerns the validity of the German corporation's title. According to one of the peasant's lawyers, Elba Recalde of the Pastoral Social, a social service division of the Catholic Church, the 661 Germans who invested in the land in this area are obliged under the contract to personally sign a bill of sale in Paraguay. Since most have neglected to do so, Recalde believes that the administrator of the land has been able to prove legal ownership of only fifteen hectares, which do not include the land in conflict.*