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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Agenda item 9 (d)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

IMPLEMENTATION OF THE RIGHT TO DEROGATION PROVIDED FOR
UNDER ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL
AND POLITICAL RIGHTS AND VIOLATIONS OF HUMAN RIGHTS

Written statement submitted by the International League for
the Rights and Liberation of Peoples, a non-governmental
organization placed on the Roster

The Secretary-General has received the following communication, which is
circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 August 1985]

The International League for the Rights and Liberation of Peoples is concerned
about derogation from political and civil rights in all countries where a state of
siege or of emergency is currently in force.

At its thirty-seventh session the Sub-Commission on Prevention of Discrimination
and Protection of Minorities adopted resolution 1984/9, in which it "requests the
Commission on Human Rights to recommend to the Government of Paraguay to persevere
in its aim to co-operate with the Commission with a view to ending the state of
siege, and to consider enacting a measure of amnesty allowing the participation of
all in the public affairs of the country".

The state of siege remains in force in Paraguay, and no amnesty measure has
been enacted. The perpetuation of the state of emergency on a systematic basis since
1954 is not only a source of concern within the country, but also something which
arouses international solidarity to the point that it has entered the discussions of
the Commission on Human Rights.

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For more than 30 years the people of Paraguay have been living under a "state of emergency" decreed by the Executive Power without any justification and in the absence of any of the grounds provided for by the National Constitution and recognized in international law for the adoption of such an emergency measure; and even though in theory its application is confined to the capital (Asunción), its effect extends to the entire country.

From the formal or procedural standpoint, the establishment of the state of siege by prolongation is no longer carried out with the necessary formality required for so sensitive a measure. The prolongation is practically automatic, as the Executive Power simply informs the Ministry of the Interior of the continuation of the state of siege. The press media are not even informed. The people simply take it that if the state of siege is not lifted that is because it is being prolonged; and the prolongation has been continuing for over 30 years.

The state of siege used on a permanent basis allows the Executive Power to establish strict control over the population, and restricts individual guarantees, in particular freedom of assembly, and facilitates the practice of continuous detention, thus paralysing the population which is placed in a state of constant fear.

This lack of freedom of assembly, which in appearance is imposed solely in the capital, has repercussions throughout the national territory. Rural communities are continually harassed by the local authorities and denied the slightest right to carry out their community activities by virtue of the state of siege, which gives unlimited powers to the Executive and its subordinate bodies. This measure of control applies to the entire rural population, both the indigenous peoples and the non-indigenous population.

The indigenous peoples have a tradition of community life and because of the state of siege live in perpetual fear caused by constant detentions. They cannot live a normal community life in accordance with their customs. Constant persecution in the form of expulsion from their lands, coupled with a state of silent menace, places them on the defensive, thus preventing them from living a full life in accordance with their way of life. This applies, among others, to the Maskoy indigenous people, one of the communities currently suffering most, as was once true of the Axé, and faced with the same threat of extermination.

The non-indigenous rural population cannot hold even the smallest of meetings because of the exaggerated application of the state of siege, compounded by Act No. 209 on the Public Peace and the Security of Persons. Information recently received from human rights institutions gives us a list of some 30 political prisoners, all peasant leaders.

Marguerita Baez, recently released after several years' imprisonment, has made statements to the press concerning all the arbitrary acts connected with the manner in which she was detained, including the lack of genuine legal proceedings and torture carried out in police premises. Merely because she was a rural schoolteacher, she was accused of leading a subversive peasant organization and under the state of siege was for a long period denied the right to stand trial with a proper defence.

It should be stressed that the state of siege is accompanied by two repressive Acts in force in the country. Act No. 209/71 on the Public Peace and the Security of Persons provides that more than three persons cannot assemble without the permission of the police, a measure which thus limits the right of freedom of association set forth in the Universal Declaration of Human Rights. The state of siege, Act No. 209 and Act No. 294 form a trilogy which keeps the population of the country, the Paraguayan people in general, in a permanent state of emergency and of widespread dread.