

# JUSTICE AND IMPUNITY



## SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

- ◆ Ensure the independence and impartiality of the judiciary, improving public accountability, limiting political interference and increasing transparency in judicial processes (United States of America and Spain).
- ◆ Thoroughly investigate all allegations of human rights violations to ensure that all those responsible are brought to justice (Italy and Australia).

## CHALLENGES & IMPACTS

- ◆ Paraguay did not adopt measures to guarantee the independence and impartiality of the judiciary, limit political interference and increase transparency in judicial processes.
- ◆ Influence peddling –between judges and prosecutors with parliamentarians and senior government officials– shows that political practice in the State does not favor the independence of the judiciary.
- ◆ Paraguay does not guarantee effective and thorough investigations of allegations of human rights violations: only 0.5% of the complaints filed with the Human Rights Unit of the Prosecutor’s Office [resulted in a conviction](#).
- ◆ Investigations are [not effective due to](#) the failure to implement the Istanbul Protocol, absence of victim and witness protection programs as well as lack of accountability for prosecutors.
- ◆ A national team has been created to search for and identify missing persons during the civic-military dictatorship (1954-1989). A genetic database of family members was created with the cooperation of the Argentine Republic and the Argentine Forensic Anthropology Team (EAAF). However, the program suffers from severe underfunding and lack of Government support, preventing it from making further exhumations.

### Judicial Independence - Paraguay

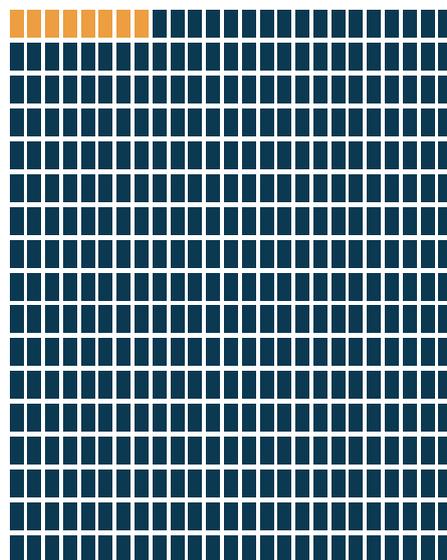
5<sup>TH</sup> worst rated in the world [in judicial independence](#).

5<sup>TH</sup> country in the world [with the highest proportion of prison population in pre-trial imprisonment](#).

8 out of 10 inhabitants [distrust the judiciary](#).

### Crimes against humanity (1954-1989)

[Only 8 of the 450 perpetrators](#) identified by the Paraguayan Truth Commission served a conviction.



### Enforced Disappearances (1954-1989)

336 [victims of enforced disappearance recognized](#)

40 victims’ remains located

4 identified





## RECOMMENDATIONS

- ◆ Guarantee the independence and impartiality of the judiciary, improving the transparency of judicial processes, accountability and limiting political influence in the appointment and dismissal of judges.
- ◆ Ensure an effective, independent and impartial investigation of all human rights violations committed by public agents, particularly those affecting vulnerable groups and crimes against humanity committed during the civic-military dictatorship (1954-1989).
- ◆ Guarantee the funding of the program for the search and location of victims of enforced disappearance during the dictatorship of 1954-1989.

## MARINA KUE CASE

Despite the commitment made to establish an independent commission of inquiry into the [massacre of Marina Kue](#) in June 2012 (recommendations of Germany and the United States of America), the Paraguayan State has not made any progress in the investigation and no public officer has been investigated by the acts of torture and arbitrary executions of peasants during the incident.

In 2018, the [Supreme Court annulled the conviction](#) imposed on eleven peasants in this case, arguing serious violations of the right to defense and due process. Subsequently, [these judges were punished](#) for their decision and one of them was forced to resign. The following recommendation should be reiterated:

- ◆ Establish an independent commission to investigate all human rights violations related to the law enforcement measures adopted in 2012 in Marina Kue.

### CODEHUPY

Coordinadora de Derechos Humanos del Paraguay

The Paraguayan Human Rights Coordinating Committee (CODEHUPY) is a national network of civil society organizations for the defense of human rights in Paraguay. It is made up of 35 networks and member organizations. It was founded in 1999 as a non-profit civil, non-denominational and non-partisan association dedicated to the promotion and defense of human rights.

Francisco Dupuis N° 799 esq./ Ayolas Asunción, Paraguay

[codehupy.org.py](http://codehupy.org.py)

+595 21 200 356

[codehupy@codehupy.org.py](mailto:codehupy@codehupy.org.py)