

PARAGUAY

The "John Doe [NN] Graves" Found in Canindegu Department, Paraguay

From September 27-29, 1999, Luis Fondebrider, a member of EAAF, made a visit to Paraguay at the invitation of the Paraguayan Ministry of Justice and Labor. The objective of this trip was to lend support in the investigation surrounding the discovery of several graves containing human remains, which were found in August 1999 on a ranch in Canindegu Department. The ranch, 5,000 hectares in area, had been taken over by peasants in need of land, in a manner similar to the land seizures carried out by peasants in the Brazilian "Sin Tierra" (Landless) movement. In fact, the ranch is located in an area bordering Brazil. EAAF's help was solicited because the Paraguayan National Police had no forensic anthropologists or other specialists who could examine the remains.

BACKGROUND OF THE CASE

On September 9, 1999, the Paraguayan government — through Resolution 657 — created an Interinstitutional Commission to investigate the finding of the human remains in Canindegu. The commission includes the Viceminister of Justice, the Interim General Director of Human Rights, the Judicial Accessory to the Viceminister of Justice, the President of the National Commission for Penitentiary Reform, peasants living in the areas where the remains were found, members of the press, and others. The Commission determined that the skeletal remains had been discovered at the beginning of August in graves located in the Agapito Cañete settlement, Caballero Alvarez District, Department of Canindegu.

In the initial report made by the National Peasant Federation, it was stated that peasants living in the settlement discovered the graves containing skeletal remains while they were plowing. Photographs were taken of the site and the bones

were covered over with earth until qualified authorities could begin an investigation. Several days later, members of the Ministry of the Interior went to the area to confirm the discovery. They were followed shortly by Dr. Leonardo Ledesma, the Criminal Judge of Salto de Guairá. During this same period, Dr. Ledesma was preparing an eviction decree for the peasants; for this reason relations between the peasants and the judge were very tense. On August 18, officials from the Criminalistic Division of the Department of Criminal Investigation of the National Police arrived on the scene and exhumed four human skeletons. These were then taken to police laboratories in Asunción (the national capital) for analysis.

At the moment, authorities have no concrete hypothesis concerning the origin of these skeletons; they could be related to acts committed under the dictatorship of Alfredo Stroessner or to non-politically motivated violence.

EAAF'S ACTIVITIES

The following activities were carried out during EAAF's visit:

meeting with members of the Interinstitutional Commission.

visit to laboratories of the National Police to analyze the recovered material.

visit to the site of discovery, in the company of Mr. Samaniego, Director of the Ministry of the Interior Office of Human Rights, Mr. Eladio Flecha, president of the National Peasant Federation, and a journalist from the newspaper Noticias.

a seminar in the Ministry of Justice and Labor in Asunción on the uses of forensic sciences to investigate human rights violations. otelephone interviews with members of human rights organizations. These organizations do not have concrete information concerning disappearances in the zone where the remains were found.

THE RECOVERED SKELETONS

During the visit to the National Police laboratories, the following deficiencies in the analysis process were observed:

The skeletons were being kept in plastic bags, numbered from 1 to 4, without the slightest protective measures. The remains had not been washed, nor the bones identified, nor had the parts broken by lesions been reconstructed. That is to say, none of the standard steps had been taken to prepare the materials for analysis.

The laboratory had no forensic experts or doctors to carry out the investigation.

Of the four skeletons observed, three were very incomplete, lacking ribs, vertebrae, hand and foot bones, and dental specimens. It was later confirmed that personnel untrained in forensic techniques had carried out the exhumations, and for this reason some of the remains were lost, others left at the site of discovery, and others broken during exhumation.

The bones from Skeletons 2 and 3 were mixed; in particular, the right humerus included with Skeleton 3 belongs to Skeleton 2, and the right and left humeri included with Skeleton 2 belong to Skeleton 3.

ANALYSIS OF THE REMAINS

1. Analysis revealed the following characteristics in the four skeletons:

Skeleton 1: Female individual, between 20-30 years old, without perimortem lesions.

Skeleton 2: Male individual, over 50 years old, without perimortem lesions.

Skeleton 3: Male individual, between 15-18 years old. Two orifices in the cranium do not correspond to orifices produced by firearm projectiles. However, the larger orifice does represent a perimortem lesion; the smaller orifice is of unknown cause.

Skeleton 4: This skeleton was discovered almost complete; it corresponds to a male individual between 30-40 years old. The skeleton presented a perimortem lesion above the left zygomatic arch, probably caused by a fracture from a heavy object. Since there were no signs of healing, it was concluded that the fracture occurred around the time of death.

All four skeletons presented dental material in very poor condition. No dental restorations were observed. Each of the four also had associated clothing.

2. Because there was no photographic documentation available of the exhumations, it is difficult to draw further conclusions concerning the origin of the skeletons, their placement in the graves, the circumstances of their burial, and so on.

3. Conclusive methods for precisely determining time of death when dealing with short periods of time - whether 15, 10 or 20 years have passed since the time of death - are not currently available. Nevertheless, it is recommended that a shoe found with the remains be analyzed, and that the factory that made the shoe be contacted to find out in which years that model was produced.

4. No distinctive identifying elements were found on the skeletons; there was no evidence of dental work or premortem fractures, at least in the recovered material. Furthermore, identification always proceeds through comparison between information from the skeletal remains with premortem data (physical data pertaining to the victim before the time of death) supplied by the possible relatives of the victims. In this case, there are no hypotheses as to who the victims might have been, and the officials in charge of the

investigation and the human rights organizations do not have information about families of 'disappeared' people in the area or indeed whether people were 'disappeared' in that region.

VISIT TO THE SITE OF DISCOVERY

During the visit to the site where the remains were discovered, it was observed that the graves were still open and a large quantity of bones (especially ribs and vertebrae) and clothing remained in them. This indicates that the recovery of the remains was carried out by unqualified personnel, in a hurried manner, and without minimum precautions, thus jeopardizing the future of the investigation. Furthermore, there is no official custodian nor any security measures at the site, since the occupying peasants are the only people in the area.

RECOMMENDATIONS TO THE
INTERINSTITUTIONAL COMMISSION

Based on these observations, EAAF made the following recommendations:

That a researcher be sent to the area for a prolonged period of time to gather information from the local population on the area's history, including information on 'disappeared' persons in Paraguay and on the other side of the Brazilian border. It will be necessary to interview local residents, judicial, police, and legislative authorities, clergy, and so on.

Once this information has been gathered, hypotheses should be formulated as to the possible identity of the remains, and the relatives of possible victims should be requested for premortem data on their loved ones. These data can then be compared with those obtained through skeletal analysis.

All excavations in the area should be suspended until qualified personnel can be found to conduct them. Any further work should be carried out under the supervision of an archaeologist, and

should take account of the logistical particularities of the area.

We highly recommend that human rights organizations be contacted for information on 'disappeared' persons in the area. It is also recommended that researchers consult the Archive found in 1991 at the Police headquarters, containing information about the repression in Paraguay and neighboring countries during the 70s and 80s.

We recommend that all future investigations should follow the procedures laid out in the United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary, or Summary Executions.