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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 6/84; Case No. 9250
Session:	Sixty-Second Session (11 – 18 May 1984)
Title/Style of Cause:	“ABC Color” newspaper v. Paraguay
Doc. Type:	Resolution
Decided by:	Chairman: Mr. Cesar Sepúlveda First Vice Chairman: Mr. Luis Demetrio Tinoco Castro; Members: Mr. Andrés Aguilar; Mr. Marco Gerardo Monroy Cabra; Mrs. Gilda Maciel Russomano; Mr. Luis Adolfo Siles Salinas; Mr. Bruce McColm.
Dated:	17 May 1984
Citation:	“ABC Color” newspaper v. Para., Case 9250, Inter-Am. C.H.R., Report No. 6/84, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)
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## BACKGROUND:

1. On March 23, 1984, the Inter-American Commission on Human Rights received a complaint that the Paraguayan Government had ordered the closing of the newspaper, ABC Color, that was printed in the city of Asuncion, Paraguay, and that its editor, Aldo Zucolillo, was under house arrest after having been detained for eight days (Case 9097).
2. In a cable dated that same day, March 23, 1984, the Commission transmitted to the Government the pertinent parts of the petition and requested in turn all appropriate information.
3. On March 28, the Commission received a cablegram from the Minister of Foreign Affairs of Paraguay, Dr. Carlos Augusto Saldivar, which was said to transcribe the full text of Resolution 227 of the Ministry of the Interior which provided for the suspension for an undetermined time of the newspaper ABC Color.
4. Since the aforementioned letter did not transcribe the operative part of the resolution, the Commission addressed the Government of Paraguay once again in a note dated April 3, 1984, which requested the full text of the resolution.
5. In a cable dated April 13, 1984, the Government of Paraguay replied to the Commission by transcribing the aforementioned resolution, the full text of which reads as follows:

Resolution No. 227 of the Ministry of Interior  
Suspending for an undetermined time the printing and distribution of the newspaper ABC Color  
Asuncion, March 22, 1984

Whereas: Article 71 of the National Constitution which guarantees freedom of press and prohibits

expressly "preaching hatred among Paraguayan," "class struggle," and "making apology for crime or violence," and adds, "criticism of laws is free but no one may proclaim disobedience of that which they provide for."

Article 50 of the National Constitution, which provides that it is the fundamental duty of the state to protect the safety, honor and reputation of persons, and

CONSIDERING:

That the newspaper ABC Color, has systematically violated the precepts of the Constitution and with full knowledge of the facts, in a permanent desire to subvert the public order and endanger the peace of the Republic and the stability of institutions by the daily preaching of opinions of a seditious stripe, either in its editorials or while serving as permanent spokesman of irregular political groups not supported by legal and institutional foundations, thus promoting a state of confusion, unrest in public opinion and creating social alarm;

And, since it is the duty of the Executive Branch to comply with and enforce the Constitution, preserve peace, the state of law and thus to guarantee the moral health of the Paraguayan people, by preventing the proclamation and publication of statements contrary to lofty national interests,

THEREFORE

THE MINISTER OF THE INTERIOR

RESOLVES:

Article 1. To suspend, for an undetermined period, the printing and distribution of the newspaper, ABC Color, from 12:00 noon Thursday, March 22, 1984.

Article 2. To communicate to all appropriate persons and to file it once carried out.

Signed: Sabino A. Montanaro, Minister.

6. The newspaper, ABC Color, had been the target of attacks by the Government of Paraguay, according to the information received by the Commission and communicated to that Government at the time. On one occasion its distribution was prevented by stopping the vehicles engaged in that task.

WHEREAS:

1. A reading of Resolution 227, March 22, 1984, of the Ministry of the Interior, leads to the conclusion that the Government of Paraguay proceeded to suspend indefinitely the publication of the newspaper, ABC Color, without any type of legal proceedings in which the accusations against that communications medium could be sustained and in which the representatives of that medium could exercise their right of defense.

2. The Government has also not provided the IACHR with any proof of its allegations.

3. The American Declaration of the Rights and Duties of Man provides, in Article IV, "Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever."

4. In the opinion of the IACHR, the freedom of expression and dissemination of ideas is one of the most solid guarantees of modern democracy.

Therefore, in view of the information related above and the considerations made,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that in the present case the Government of Paraguay has violated Articles IV (right to freedom of investigation, opinion, expression and dissemination) and XXVI (right to due process of law)

of the American Declaration of the Rights and Duties of Men.

2. To recommend to the Government of Paraguay:

(a) That it cancel Resolution No. 227 of the Ministry of Interior, permitting, in accordance with current law, the free printing and circulation of the newspaper ABC COLOR

(b) That it report to the Commission within a period of sixty days on the measures taken to comply with this resolution.

3. To communicate this resolution to the Government of Paraguay.

4. To publish this resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States if within the term given above the Government of Paraguay has not complied with the recommendation contained in it.