

REPORT No. 107/12
DECISION TO ARCHIVE
CASE 11.559
PARAGUAY¹
November 8, 2012

ALLEGED VICTIMS: Miguel Ángel Soler

PETITIONER: International Human Rights Law Group

ALLEGED VIOLATIONS: The petitioner refers to the alleged violation of articles 1(1), 8(1), and 25 in relation to Article 1.1 of the American Convention on Human Rights

INITIATION OF PROCESSING: December 21, 1995

I. POSITION OF THE PETITIONER

1. On October 17, 1995, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") received a petition lodged by International Human Rights Law Group (hereinafter "the petitioner") on behalf of Miguel Ángel Soler (hereinafter "the alleged victim") against the Republic of Paraguay (hereinafter the "State" or "Paraguay"), alleging violation of the rights to a fair trial and judicial protection contained in Articles 8 and 25 of the American Convention on Human Rights in conjunction with Article 1(1) thereof. The petitioner claimed ineffective investigation, prosecution, and punishment of those responsible for the illegal arrest, torture, and forcible disappearance of the alleged victim during the dictatorship in Paraguay.

2. The petitioner held that the alleged victim, the General Secretary of the Communist Party, was unlawfully detained by the police on November 30, 1975; that he was subsequently tortured, and that his remains had yet to be found. The petitioner said that on April 28, 1989, the wife of Miguel Ángel Soler, filed a criminal complaint for the crimes of homicide, abuse of authority, abduction, and torture against Alfredo Stroessner, Sabino Augusto Montanaro, Benito Guanes Serrano, Francisco Alcibíades Brítez Borges, Pastor Coronel, Camilo Almada, Lucilo Benítez, Juan Martínez, Eusebio Torres, and Alejandro Evreinoff, as well as other policemen whose last names were Riquelme, Belotto, and Esteche. The petitioner said that Eusebio Torres, Alejandro Evreinoff, Pastor Coronel, Camilo Almada, Lucilo Benítez, Juan Martínez, and Eusebio Torres were put on trial for homicide but that as of the date the petition was lodged no one had been found guilty.

3. The petitioner submitted that the judicial delay in the investigation of the facts, prosecution, and punishment of those responsible in this case constituted a "*de facto* amnesty." The petitioner held that in addition to demonstrating the ineffectiveness of the domestic remedies, the delay in the process was characteristic of a generalized situation where Paraguay's domestic courts failed to adopt decisions on allegations of serious acts. They argued that in Paraguay several individuals, among them Mr. Miguel Ángel Soler, had been the victims of a systematic practice of extrajudicial execution, forcible disappearance, and torture, and submitted that unveiling the truth of those crimes, determining responsibilities, and imposing the appropriate punishments were crucial for the consolidation of democracy in Paraguay.

II. POSITION OF THE STATE

¹ Pursuant to Article 17(2)(a) of the Rules of Procedure of the Commission, Commissioners Rosa María Ortiz, a Paraguayan national, and Felipe González, did not participate in the deliberations or decision regarding this petition.

4. The State said that on February 3, 1989, a *coup d'état* toppled General Alfredo Stroessner, bringing an end to a period of dictatorship and marking the start of a process of democratic transition. The State argued that during the presidency of Juan Carlos Wasmosy the judiciary was being overhauled and it supplied information on progress in proceedings instituted against different officials charged with a number of crimes committed against the alleged victim.

5. The State argued "that it investigated and convicted those who carried out the abduction, torture, and homicide," who included "the prosecuted policemen: Pastor Coronel, Camilo Almada Morel, and Lucilo Benítez, [who were] sentenced to 16 years and six months imprisonment," as the judgment adopted by the First Chamber of the Appellate Court in Criminal Matters on December 11, 2002, showed.

6. Finally, the State says that Mrs. Mercedes Fernández Grenno de Soler, the wife of the alleged victim, had concluded a friendly settlement agreement with the State, whereby she was appointed Second Secretary of the Embassy of Paraguay in South Africa pursuant to Executive Decree 1.348 of October 6, 1997; that, pursuant to Decree 4125 of July 16, 1999, she had been appointed Second Secretary of the Embassy of Paraguay in Chile; and that on June 16, 2011, she had died without leaving an heir.

III. PROCESSING BY THE IACHR

7. The Commission took receipt of the petition on October 17, 1995. The petitioner subsequently enlarged the petition on December 6, 1995. On December 21, 1995, the Commission transmitted the petition to the State and requested that it submit its observations.

8. On April 1, 1996, the state submitted its answer, which was relayed to the petitioner. On May 17, 1996, the petitioner presented comments on the State's answer, which were forwarded to the State. The State, in turn, submitted its observations on August 21, 1996, and they were transmitted to the petitioner.

9. Following discussions between the IACHR and the parties in the course of the Commission's 93rd regular session held from September 30 to October 18, 1996, the Commission placed itself at the disposal of the parties with a view to reaching a friendly settlement and invited them to a meeting that was held at its headquarters on February 25, 1997. At that meeting, the State undertook to provide a report on the status of the domestic proceedings in the case.

10. The petitioner submitted additional information on March 3 and May 9, 1997, which was conveyed to the State. The parties held another meeting at the headquarters of the IACHR on March 25, 1998. On December 29, 1998, the State presented information on the case, which was duly passed on to the petitioner.

11. On March 23, 1999, the Commission held a meeting with the parties, at which the State promised to reinstate Mrs. Mercedes Fernández Grenno de Soler on active duty in the foreign service, given that the Embassy of Paraguay in South Africa was not paying her salary because it was closing. Furthermore, at another meeting, on May 12, 1999, the State undertook to send the IACHR the details of the employment contract of the alleged victim's wife, which the Commission received on July 20, 1999, and then transmitted to the petitioner.

12. A hearing was held on October 5, 1999 in the framework of the Commission's 104th regular session, at which the State was present. Subsequently, on October 30, 2002, the Commission requested information on agreements reached by the parties. On December 5, 2002, and February 6, 2003, the State submitted information, which was relayed to the petitioner. On August 24, 2010, the State requested that the case be archived, and on June 16, 2011, notified the Commission that Mrs. Mercedes Fernández Grenno de Soler had died without leaving an heir.

13. Having received no communications from the petitioner after 1999, on November 21, 2011, the Commission reiterated its requests to the petitioner for information of October 30, 2002, April

28, 2003, and June 27, 2011, advising them that if it did not receive a response within three months, the IACHR could archive the case.

IV. BASIS FOR THE DECISION TO ARCHIVE

14. Both Article 48.1(b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights establish that, when processing a petition, once the information has been received or the period for receiving the information has elapsed, the IACHR shall verify whether the grounds for the petition or communication exist or survive and, should they not exist or survive, shall order the archiving of the file.

15. The IACHR notes that in 2003, the petitioner changed its name from International Human Rights Group to Global Rights: Partners for Justice². Furthermore, in a telephone call made by the Commission, that nongovernmental organization denied representing the alleged victim or his next of kin. Finally, the IACHR observes that according to the record, *International Human Rights Group* never notified the Commission of any change in representation of the alleged victim or his next of kin.

16. To date, the petitioner has not sent any of the information sought in the IACHR's requests of October 30, 2002, April 28, 2003, June 27, 2011, and November 21, 2011, after not having provided any information since 1999. Having conducted the corresponding analysis, the Commission finds that it lacks the necessary elements to determine the admissibility or inadmissibility of the petition, or whether the grounds for the original petition subsist, and therefore, pursuant to Article 48(b) of the American Convention on Human Rights and Article 42 of the IACHR Rules of Procedure, decides to archive this petition.

² The Commission finds that on the website of *Global Rights: Partners for Justice* it says that in 2003 *International Human Rights Law Group* renamed itself *Global Rights: Partners for Justice*. Available at: http://www.globalrights.org/site/PageServer?pagename=wwa_history