

Politician and Farm Hand: A Tale of Two Paraguayan Prisoners

Sydney Bridges

From February to July, 1978, no one would confirm to Gumerindo Brítez's mother that he was a prisoner in the Department of Investigations, but she knew. She returned to Paraguay from northern Argentina as soon as she heard; every day she sat in the Investigations waiting room, hoping some policeman would finally tell her, or that some other prisoner's relatives might have seen or heard of her son.

In contrast, it took Rafaela Laino only a few hours to obtain confirmation that her husband was at Investigations. Like every other wife and mother whose family members have been arrested, she went from one police station to another with a package of clothing, hoping that somewhere a policeman would accept it and thus formally acknowledge her husband's detention. But Rafaela's quest was different: Diplomats from three countries were also inquiring after Domingo Laino, a leader of Paraguay's largest opposition party.

Domingo Laino was dramatically abducted on an Asunción street at noon Friday, July 7, by Investigations policemen in civilian dress. Five months later I visited the Lainos in the elegant home of Rafaela's family, where they had been living—for her protection and her mother's peace of mind—since shortly before his arrest and after his release.

"Your arrest was in newspapers from here to London and Bonn," I told Laino, "so let's not dwell on that. Tell me about your court hearing. You spent more time accusing the courts of political manipula-

tion than defending yourself on charges of subversion. How did you and your lawyers decide to take such a bold stand?"

"For one thing," said Laino, "I was counting on international support. I'd just been to Washington and denounced the military regime; a lot of people in and out of government were worried that this might happen and promised to support me. As a result, I knew that by making an accusation I was probably only letting myself in for a couple of years of prison. I didn't know that I'd be acquitted the day after the hearing; what I knew was that my life wasn't in danger any more. You people in the U.S. and Europe were making sure of that.

"Then when Rafa came to visit, she told me about the solidarity of people here in Paraguay, the constant visits from other opposition party leaders. With them behind me, I thought, 'No one will ever be in a better position to unmask the way in which the government uses the courts for political intimidation. Another thing: In Washington I had denounced the partisan bias of Paraguayan judges; I gave the OAS a picture of the president of the Supreme Court standing with President Stroessner at a political rally, wearing his red neckerchief [symbol of militance in the ruling Colorado party]. But here it had happened again: Judge Escobar, the one who was hearing my case, had just appeared in the newspapers wearing his red neckerchief at a Stroessner rally, flouting the National Constitution and every rule of judicial fair play.

"If I don't do it now, I thought, how can I tell people later that they don't have to crawl into court saying 'Sí, Señor' to everything? So I talked to Rafa about it. I had two properties in Asunción; I'd sold one, but there was still one on Kubitschek Avenue. I told her, you can sell the Kubitschek lot and live on the income for a year or two. She agreed completely."

Laino looked proudly at Rafaela, who pretended to be absorbed in accounts at a desk across the room.

SYDNEY BRIDGES is the pseudonym of a North American writer who met in 1978 with the former political prisoners described in this article. Bridges is a knowledgeable observer of economics, politics, and human rights in Paraguay.

Young, blonde, strikingly beautiful, she looked up and smiled. "Remember what Montanaro said?"

"Heh," said Laino. "The day I was released they put me in a prison car—a Volkswagen with the windows covered, all dark, and we went for a long ride. I was sure they were taking me to the river, to deport me to Argentina. Then the car stopped and they ordered me out—and we were in front of the Ministry of the Interior. [Interior Minister Sabino] Montanaro didn't even make me wait. He invited me into his office, and left the guards sitting in the anteroom.

"'You know,' he said, 'we could have taken you to the other side, but for now we've decided to let you stay in Paraguay. Now, what's all this you said about the judge?' So I told him what I'd said.

"'You have to understand,' said Montanaro. 'The judge participated in the rally as a private citizen, not as a judge.' I said, 'I'm sorry, but a judge can't separate the two roles; he can't stop being a judge for a few hours and then go back to his mantle of impartiality.' "

"I heard you talked to Montanaro for four hours," I told Laino. "You told the press he'd warned you that everyone in Paraguay hated you, that he couldn't be responsible for your safety. From one Colorado precinct president in particular, but you didn't say who that was. Why not?"

"Heh. That was Ramón Aquino, president of the precinct in Chacarita [the largest slum area in Asunción]. In 1972 Aquino and his gang attacked me with sticks in the Catholic University. Now Montanaro said, 'If for example you go to Chacarita, Ramón Aquino and his friends will try to lynch you in the street. We can't be responsible,' he told me. It was a hard decision, how much to say about that. Here was the minister of the interior conveying a death threat, this was serious, it needed to be denounced. But as an opposition leader I didn't want to play the government's game—help them frighten everyone into thinking that political opposition means getting lynched in the streets. So I talked it over with the party leaders, and we decided to mention the threat, but not go into details that would only fit into the general plan of official terrorism."

Economist Domingo Laino has published three books; a fourth is complete, but he has found local publishers suddenly unwilling to accept it, even on a subsidized basis. He is working on another, begun several years ago, documenting the economic development of Paraguay from its independence in 1811 to 1870, when war with Brazil, Argentina, and Uruguay decimated the population and wrecked the economy of Paraguay.

"What else are you doing?" I asked him. "Apart from your political activities, which don't pay—how do you keep soup on the table?"

"We're eating up my capital, of course. I can't get a job in business or government. No way. Mostly I work with the party, and I spend a lot of time with the relatives of political prisoners and the disappeared. They have it harder than I did, especially the peasant prisoners. When I was arrested, the soldiers didn't



Domingo Laino

come in and burn my house or take away my land. But the book is the important thing; I've applied for a fellowship so I can finish the research. We could make a revolution here, not based on foreign models but on our own fertile history. I'm not being folklorish, and I don't mean we should go back to living in the nineteenth century. But under Francia and López, before the War of the Triple Alliance, Paraguay established a capital base and then imported technology without selling out everything we had to get it.

"And then, I'm still teaching in the School of Engineering at the National University. That is the only politically independent school in the whole university, which is why they haven't fired me, but that is only a token salary, about \$50 per month."

Rafaela Laino was still working on her accounts. "What are your plans?" I asked her. "What are your hopes for the next few years?"

"I'm four courses short of finishing the university," she said. "When the children came along—Luis Domingo and Rafaela María—I stopped, but now I'm trying to finish up."

Her major is journalism. At hearing this my eyebrows went up, and she laughed. "Aha, you see the problem. I want to interview major officials—for instance, look into what's happening at the social security office, but...."

But who would give an interview to Rafaela Laino? She is acting as secretary to her brother, who administers the Guanes family estate. On the side she sells reproductions of great paintings; the old house is filled with classic and impressionist works that look like originals from a distance.

"Wouldn't you like to be selling the real thing—modern Paraguayan originals?"

"Wouldn't I just! But what would happen? I could

build a shop out there in the front yard, but any day Domingo might 'fall' again, or we might have to leave the country in a hurry. Or the people who can afford to buy art might get together and boycott the shop. With that kind of insecurity, who can afford to open a business enterprise?"

I wanted to meet Gumercindo Brítez at his home, but he said no. No one there would understand. Instead, he came to my hotel room.

"My family had three hectares of land," he began. "In 1960 they had to sell it and move to Argentina, but I stayed here. I was ten years old. I went to live in Asunción, but I wanted more than anything to live in the country again. Finally I got a job driving a tractor in the rice fields around Yaguarón. I loved the country, the freedom. I never wanted to be anything but a *campesino*, a peasant. Now it turns out that for the government I'm a rebellious *campesino*. An ordinary *campesino* can't grow rice. You have to have lots of land to grow rice; after two years you have to leave the land fallow and plant somewhere else. The big problem here is land. Land and equipment, without those things the *campesinos* can't survive. One day I was driving a tractor down the road. From a distance I saw a farmer with a hoe, watching, watching. He put down his hoe and looked at me. I came closer and closer, and this man watching, watching. I stopped the tractor and got down, and went to drink *tereré* with him there in the field.

"'I'm tired of this hoe,' he told me. 'I wish I had a tractor.'

"I wish I had a piece of land," said Gumercindo Brítez.

"There around Yaguarón, for several years now, the peasants have been 'occupying' land. Around the middle of 1976, one lady—a top leader in the local Colorado party precinct—woke up one morning and found banana plants, a little house, and a small brick-making shed on her land. A few months later, some more *campesinos* took over fifty or sixty hectares of government land, also at night. These occupations were well organized, well planned."

"By outsiders?"

"I don't think so. I think it was a spontaneous resistance by the *campesinos* themselves. One day some of them came to me and said they were thinking of doing it, and asked me what I thought. I said I sympathized with the idea, I supported it, but I wouldn't take part in it myself. But that was probably why I fell; I'm pretty sure one of the men I was talking to reported what I'd said. They arrested me on February 7. I'd been working day and night for three months, during the rice planting season; I was exhausted, and I was sick. I was going to go to my family in Argentina, but a friend said no, come to my house and rest up first. That was where they arrested me.

"For two weeks they tortured me morning, afternoon, and night. They'd drag me out of the *pileta* [a tub filled with water and excrement] unconscious. They used the whip on me, and beat the soles of my

Follow-Up

Since this article was written, the number of acknowledged political prisoners in Paraguay has declined in response to international human rights pressures, but there has been an increase in the number of Paraguayans arrested in Paraguay or neighboring countries on whom no information is available. Some or all of them may now be in the custody of the Paraguayan police.

The following list includes only people arrested in the past twelve months, and whose arrests were reported by family or friends. Many such arrests are never reported, because of the families' hope that if they do not anger the authorities by publicizing the cases, they may eventually learn the whereabouts of their loved ones and possibly avoid reprisals against the prisoners or themselves.

Anastasio Almeida	2 brothers, last name
Pablo Antonio Cabral	Martínez
Mario Fariña	Francisco Ramírez Brítez
Hector Luiz Galzarza	Alipio Salinas
Remigio Giménez	José Tomás Salinas
Elida Luz González	Ignacio Samaniego
María Gloria González	Francisco Sapiencia *
Anuncio Jara	Rogelio Talavera
Adolfo, Sindulfo, and	Elida Vega de Lugo
Victor López*	Sindulfo Villanueva
Luis Lugo López	

* Two other brothers, first names unknown, escaped arrest in August, 1978, but have not been heard from, and it is feared that they also were arrested or killed.

—S.B.



Gumercindo Brítez

feet for hours. Then once they kept me standing four days, without sleeping. On the third day my feet gave out—they were round like plates—and I fell on the floor. After that they handcuffed me to the wall with my arms up like this. They let me rest for two or three days, and then came back again with the whip.”

“Other ex-prisoners have told me that Oscar Gómez, the director of the police clinic, usually limits the torture sessions. Where was he?”

“Maybe when a prisoner is known, Gómez will be there and warn them that they’re going too far,” replied Britez. “I heard that happened with Eduardo Bogado, who was there when they brought me in. But in my case, no one knew who I was or where I was. The *pileta* is across the street from Investigations, in the Department of Vigilance and Crime. Whenever they took me there, they’d dress me up in a woman’s wig so no one would recognize me. My mother was coming every day, and they wanted to make sure she didn’t see me. The day Laíno fell, they emptied Investigations in a hurry. There were eighteen or twenty ‘common’ prisoners, and myself. They took us all across the street. I was sick then, very sick.”

“They didn’t want Laíno to see how many prisoners there were?”

“Maybe, or maybe they didn’t want the International Red Cross to see. As soon as Laíno fell, the Red Cross came to see him. And somehow they found out I was there. After that, I was transferred to the political prison at Emboscada. Laíno probably saved my life. Later I found out that in June, during the OAS meeting in Washington, the Red Cross had been looking for me. That day they took about fifteen ‘common’ prisoners, and Pablo Gabazza and myself, to a warehouse they call the Arredondo, right beside Investigations. The place was filled with books and papers scattered all over—maybe things that had been seized in other raids, because they wouldn’t let us touch a thing. But they did let us talk to each other. They kept us there for two days; it was the first time in five months I was allowed to talk to anyone but the guards.

“In Emboscada they had a storeroom the prisoners called the *‘intendencia,’* where they kept the food their relatives brought them, and shared it around. I was in pretty bad shape by then; they gave me the key and let me come and go as I wanted. For the first few days I didn’t drink water, I drank milk. And that was a good thing, because it was just twenty days later that we began the hunger strike.”

For eight full weeks the political prisoners at Emboscada refused all nourishment but *yerba mate*, a Paraguayan herbal tea, in protest against their continued detention without trial; Britez was released in November, six weeks after the strike ended. “Among the *campesinos* you know,” I asked him, “do people talk about politics? Do they think it would make a difference if they could vote in a free election?”

Gumerindo Britez smiled. “The *campesinos* have a different way of looking at politics. They don’t want to change the government—they laugh at the government. They want to change the social and economic

structures. For instance, not end up in debt to the store owner after they sell him their crop, because he’s the one who sold them their seeds and everything else they needed all year. People don’t understand why the *campesinos* go on voting for a man they hate, but it’s really very simple. They say, if I vote against Stroessner, the government will win and I’ll be in trouble. If I vote for Stroessner, he’ll still win but I’ll get some small benefit.”

“What kind of benefit?”

“Not being afraid of the police, for one thing. And then, maybe you can get a card to go talk to the authorities.”

“A card?”

“For example, if you want to go to IBR [the land reform agency], you ask the party precinct officer for a card. Depending on who signed your card—how much influence he has—you’re sitting in the waiting room and the secretary will say, ‘you come on in. The others can wait.’ Other times you might just get paid: \$5, \$10 per vote. It varies. The peasants don’t care who’s sitting in the Government Palace; what they care about is land and tools, and a fair price for their crops. The only politician who maybe has a little influence in the countryside is Laíno. Most of what the politicians say, the farmers aren’t listening to; but sometimes he talks about their problems too, and then they listen.”

“What are you doing now?” I asked. “How did you manage to find a job, when so many ex-prisoners can’t? What about friends: Did they disappear after you fell, or were they waiting when you came out?”

“I’m a blacksmith, and my brother-in-law has an iron shop. This isn’t permanent, there’s no future in it for me. What I really want is to go back to the land, but I can’t afford to buy it and IBR will never give me any. Besides, I have to support my mother and the four children who are still at home with her; there were eleven of us, but the others all moved away. I send them money to Argentina, but I can’t visit them. The government won’t give me back my identity documents.

“If I can’t live on the land, what I’d most like to do is make farm tools. I hear about simple equipment, something better than a hoe and cutlass but less expensive than a tractor. If I only had plans, or models to work from.... I stay away from my friends. In the country I had lots of friends, they always came around me. And when they knew where I was, half of Yaguarón sent me messages of support and solidarity. But I don’t have friends here. I stay away from the ones I had because I don’t have any identity documents. They’d always be inviting me to parties, football games, and that’s dangerous for an ex-prisoner with no documents. Maybe some day....”

“Do you distrust them a bit too?”

“Well, yes. Doroteo Grandel was murdered after he got out of prison. You never really know. And then, I don’t want to create problems for them, either. I don’t want to leave Paraguay, I don’t want to abandon my country. But maybe some day I’ll have to do that too.”

When we began the interview, Gumercindo Britez told me there was no need to conceal his identity: "If speaking out will help the *campesinos*, it's the least I can do." Looking over my notes from the three-hour conversation, I asked if he knew what he was getting into.

His level gaze carried all the weight of absolute

assurance; his words were a verbal shrug of the shoulders. "I've got no problem with that," he said. "I don't care what happens. I'd welcome a debate with anyone who wants to take me on."

"Take you on in the torture chamber? Again?"

"Let them come and get me," said Gumercindo Britez. **WV**

Is Torture a Violation of International Law?

U.S. District Court Judge Eugene H. Nickerson declined to set a precedent on this question last May 16, when he ordered the deportation of Paraguayan police officer Americo Peña Irala, accused in the 1976 torture death of seventeen-year-old Joelito Filártiga.

Filártiga was the son of Dr. Joel Filártiga, a physician, philanthropist, and member of a dissident wing of the ruling Colorado party. According to the police, he was killed by a neighbor in a fit of jealousy. The Filártigas believe, however, that he was tortured for information on his father's activities and connections, and died in the police station of heart failure resulting from the torture. They brought suit against Peña, claiming that he had directed the torture session; the suit was not heard by the Paraguayan court, and the attorney who lodged it was disbarred.

As the controversy grew, in July, 1978, officer Peña left for the U.S. with his family on a tourist visa, supposedly to visit Disneyworld. Months later he was identified in Brooklyn by Paraguayan refugees who denounced him to the Immigration and Naturalization Service, and on April 4, 1979, he was arrested by the INS for overstaying his visa.

He would have been deported immediately, but Dolly Filártiga, sister of the dead youth, intervened with a request to stay his deportation; she had come to the U.S. four months earlier seeking political asylum, and after his arrest she filed a \$10 million suit against him for damages

in her brother's death. Her lawyers cited a U.S. law that permits aliens in the U.S. to bring civil suit against other aliens in the U.S. for torts committed in violation of international law. It is mostly used in commercial transactions, such as broken contracts; the Filártigas' hope was that it would be expanded by this precedent to include violations of human rights that are proscribed by international treaties.

Judge Nickerson was not asked to rule on Peña's guilt or innocence in the Filártiga death but only on whether he should be held for the civil suit on the grounds that torture is a violation of international law. In rejecting the request, he agreed that "an emerging standard of international law condemns torture," but he claimed that earlier decisions by the 2nd Circuit Court of Appeals denied him that jurisdiction, "unless the crime affected the U.S. relationship with that country" (*Washington Post*, May 17). The 2nd Circuit Court of Appeals rejected the plaintiff's appeal a few days later, and the Supreme Court refused to review the decision. Peña was deported to Paraguay on May 30.

The case has not set the hoped-for precedent establishing torture as a violation of international law in the eyes of the U.S. courts. The decision did, however, leave the door open to future precedents, and served as a warning to Paraguayan and other police that the U.S. is not a reliable safe harbor for individuals accused of human rights violations.

—S.B.