



special  eport

Paraguay – Delta & Pine

## Justice glimpsed in the horizon

I return to Paraguay after my last visit there two years ago, when the IUF's Latin American Office supported the actions of Ana María Segovia, a spokesperson and representative of the Rincon'í community, who in August 2006 went before several ministerial and judicial authorities demanding the enforcement of a criminal ruling against the perpetrators of the "Seeds of Death," a case which our international organization was instrumental in clarifying and bringing to justice.





Almost ten years ago, the U.S. cotton transnational corporation **Delta & Pine** dumped 660 tons of cotton seeds pretreated with four agrotoxic substances and a genetically-engineered bacteria in a surface area of one and a half hectares. This is equivalent to applying four tons of agriculture chemicals. Since then, the Public Health Ministry has done nothing -not even supplying as much as a painkiller- for the victims of the contamination that was proven only two months after the dumping took place.

**Ana María** informs us that, unfortunately, the forecasts and warnings issued from the start with respect to the most severe medium and long-term consequences of this contamination are now being corroborated by reality. "In the past few years, there have been many cases of cancer, acute kidney failure and stomach conditions, and skin and bone disorders, in numbers never seen before in the area," she says.

## A different country, a new hope

We took a few hours to examine the current situation and update our assessment, with the aim of devising a strategy to guide the actions we would take. A unique development marks our current assessment: **Fernando Lugo** is the new president of **Paraguay**, having won the elections by leading a broad coalition of parties and individuals whose diversity is both a strength and a

weakness, as it enabled him to secure first place in the presidential elections but could bring him serious difficulties when it comes to governing.



With this new government we finally have the chance to be heard, and so we set out an agenda for ourselves: first we arrange an interview with **Augusto González**, a lawyer from the **Ybicuí** region, who **Ana María** had already met with and asked if he would be willing to take on the case as the community's official lawyer. We now want to meet with him to see if he accepts and begins to work with us.

Second on the agenda is a visit to the First Judgment Enforcement Court, presided by Judge **Ana Llanes** and Court Clerk **Diego Escobar**, which a year ago issued a pardon to the two men that had been convicted in the case -**Nery Rivas**, a **Delta & Pine** officer, and **Julio Chaves**,

owner of the contaminated lot-, in accordance the ruling, which established that they were to be released after serving a certain term and meeting certain conditions, including payment of a fine. All of which had presumably been done. However, the community has yet to see the 50 thousand dollars the two paid as a fine in exchange for the suspension of their jail sentence. Nobody knows where that money went, or what happened with the case file, as the last time **Ana María** inquired, **Escobar** reported that it was "missing".



Soledad Martínez Stark, of the organization Alter Vida, shows us one of the bags that were left at the site as evidence of the crime.

Once again, a serious anomaly in the court system interferes with the attainment of justice for the **Rincon'í** community. The fact that the court file and the 50 thousand dollars "disappeared" at the same time raises strong suspicions that the two irregularities are somewhat connected, by somebody or something.

## Step by step

After a cordial meeting with **González**, who formally accepted to take on the legal representation of the contamination victims, we decided to resume the investigation, picking up where we had left off: at the Ministry of Public Health, in whose current account, according to the 2004 court sentence, the money for the construction of the **Rincon'í** health clinic should have been deposited, to be later co-managed with the involvement of the community. At the personal office of the Secretary of the Health Minister, **Esperanza Martínez de Portillo**, we are directed to meet with the Legal Advisor, **Jorge Irún**, the General Director of Health Service Development, **Angilberto Paredes**, and the Board of Health Regions. We are also received by the Managing and Finance Board and the Budgetary Board. In all these offices we meet with an unprecedented receptiveness to the case, and are surprised to find that most of these authorities have been informed in advance by the Minister's secretary that we would be seeing them.

The visit makes it clear that we have two lines of action ahead of us: one aimed at obtaining immediate health care for the community, which has been in a state of emergency for the past ten years, and another at locat-

ing the 50 thousand dollars which are the corner stone for the health clinic that will guarantee ongoing health care for the victims.

The Ministry of Health promises to initiate direct actions in **Rincon'í** within weeks, although it still does not say exactly what such actions will be. In addition, an inquiry is initiated into the **Public Health Ministry (MSP)** accounts to determine where the 50-thousand-dollar deposit went, if in fact such a deposit was made. Unfortunately, we are told that this inquiry could take some time, as the number of bank deposits made over the last few years number into the thousands. Nonetheless, efforts will be made to determine what happened with the money.

Motivated by his commitment to the people, Doctor **Pablo Balmaceda** conducted an epidemiological study of the **Rincon'í** area in February 1999, when the poison was still so strong it was hard to breath the pestilent air which seemed to have set like a permanent cloud over the area, irritating eyes and throats, and causing nausea and vomiting. **Balmaceda** had been contacted by the Polish priest **Jorge Palka**, who was the first to reach out to provide assistance to the victims. His participation continues today, as he collaborates with our efforts in **Asuncion** and helps us gain a fresh perspective of Paraguay's current situation.

## The ruins of Jurassic Park

While we toured the offices of the **MSP**, a political bomb goes off in the country: General **Máximo Díaz**, an officer in active duty, denounced that he had been invited



May 8, 1999: Victims and supporting organizations rally in the city of Ybycuí.





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to participate in what he later realized was a conspiratorial meeting with the retired general **Lino Oviedo** – involved in a previous coup plot years ago–, former president **Nicanor Duarte Frutos**, the National Attorney General, and other national civil authorities. The meeting had presumably been convened to discuss the Congressional crisis over **Duarte Frutos'** illegal attempt to claim a seat in the Senate, with a clear intent to orchestrate chaos from that forum. Pro-government legislators opposed **Frutos'** claim. The conspiracy was denounced by President **Lugo** himself in an official press release. A climate of tension and uneasiness fell over the country, although nobody appeared to lose their calm.

Although the rumors were denied by the alleged conspirators -who countered with their own accusations-, the public exposure of their acts weakened the plotters' position and the following day pro-**Lugo** legislators defeated **Duarte's** supporters in the Senate vote, relegating him to a symbolic position of life-senator, like any other former national president. A significant battle had been won for the new **Paraguay**, and pro-government forces consolidated their position in Congress.

## Judicial quest

While following the news closely, **Ana María** and I decided to go to the Judgment Enforcement Court to demand that the case file be found. Our meeting with Clerk **Escobar** is unsettling, as he responds evasively, contradicts himself and his attitude is at times totally irregular for an officer of the court. He keeps insisting that he knows nothing of the fine money, and goes as far as suggesting that "somebody at the Health Ministry" had come to the Court to collect the money. He even says that the case has been closed and filed away, when the proceeding must, in fact, remain open as long

as the **U.S.** citizen **Eric Lorenz**, representative of **Delta & Pine** in **Paraguay** and the person directly behind the contamination, is on the run from justice. The people of **Rincon'í** remember how he directed the operation that dumped truckloads of poisonous seeds in the area. When things started to get ugly for him, **Lorenz** fled to the **United States** with his family. The 2004 criminal ruling formally declared him "in contempt of the court," thereby suspending the lapsing of the offense. The possibility of new actions being taken to secure his international arrest is not ruled out. After pressuring him insistently, **Escobar** promises to "find" the case file.

We leave the Court very disturbed, as we begin to suspect that the money was lost there and not in the **MSP**. Why couldn't this file be found? If the money had indeed been paid, the file should contain documentation certifying such payment. We begin to think that that is precisely why the file was "missing." Maybe somebody had "diverted" the deposit and wanted to erase all evidence. We had to find an answer.

If the fine had been paid, not only would the Court have documentation to prove it, the defendants or their lawyers should also have proof, and should be interested in leaving no doubts that they had paid. At the law firm of **Gustavo González Planás** and **Luis Bertón Planás**, attorneys for the defendants, we are informed that they indeed have documentation that proves the fine was paid, and that they would gladly send us a copy within 24 hours.

## Stealing for me and the crown

That same day, a television network releases footage from several "candid cameras" placed in the office of the new General Customs Director, as part of an investigation in which the Director participated. In the videos

broadcasted, several Customs directors from a number of Paraguayan ports are shown “paying the regular toll,” as they have been doing for ages. Thousands of dollars are counted in front of the cameras by the corrupt officers and delivered to the Director, who is expected to keep “his part” of the pay and pass the money on to the “crown.”

For the first time ever, proof is obtained of the famous “black bags” that have reached all the way up to the highest levels of government loaded with dollars from tax evasions, bribes, frauds, and the “renting” of “lucrative” public posts. Almost twenty officers connected with this corruption network were arrested and brought to justice as a result of this operation. In the streets, in city cabs, in certain press media, the news is received with excitement: “Now we’re talking! Something is really being done! The war on corruption is finally on!”, are the comments heard on the street.

For several days we try to arrange a meeting with the President’s niece, **Mirtha Maidana Lugo**, who runs a Foundation headed by the President’s mother, **Mercedes Lugo**, the woman that occupies the position of First Lady of **Paraguay**. We were finally able to contact her by phone in **Ciudad del Este** -the famous “triple frontier” city- and arrange to meet in two days.

As this postpones my departure, I accompany **Ana María** to the **Planás**’ law firm to pick up the documents they promised. We pour over them immediately upon leaving the luxurious law office, as we climb into a taxi: the first document is a request to the Banco Nacional de Fomento (**BNF**) signed by Judge **Llanes** and Clerk **Escobar** to open an account in the name of this proceeding. Then comes a certified copy of a form whereby the **BNF** opens the account requested, and a deposit receipt for the 50 thousand dollars (200 million guar-

nies) in that account, both dated in the month of August 2006. The last document is a request made a year after the deposit by the two **Planás** attorneys to Judge **Llanes** to obtain the cancellation of their clients’ sentences, a request which would be answered only days later.

## No better defense than an offense

As we drive through the streets of **Asuncion**, we start drawing conclusions, and we head straight for Judge **Llanes**’ office. According to the documents we now have in our power, the money had been deposited in that account two years ago! The same number of years that **Ana María** has been unsuccessfully trying to access the case file, only to be obstructed and confused by “erroneous” information and mysterious “disappearances.” This contradicts the explanations and insinuations made by Clerk **Escobar**. The **MSP** never received the money and, therefore, the judgment was not fully enforced. Maybe the consequence of this failure to fully enforce the judgment should be the annulment of the pardon issued in favor of the defendants, a pardon that could only be given once the terms and conditions established had been met.

After much insistence, Judge **Llanes** finally agrees to see us. When she realizes which case we want to discuss with her, she immediately requests the presence of Clerk **Escobar**. Tension rises as we show them the documents we have obtained. **Llanes** is not prepared to face this surprising “resurrection” of the case, and to stifle our claims, she seizes on the authoritarianism she feels is part of her office. Finally she loses control and throws me out of the Courthouse, while she threatens to arrest me as she protests “the nerve of this foreigner.” After I leave, they warn **Ana María** that she has



May 8, 1999: Victims and supporting organizations rally in the city of Ybycuí.



to be careful “with these people who come from outside the country and take you to the press to pursue god knows what interests.” Judge **Llanes** insinuates that they had not wanted to deposit the money in the **MSP** account for fear that it would “disappear into thin air,” and she suggests that **Ana María** begin with the construction of the clinic and that they would channel the funds to her as the need arose for money. A highly irregular procedure, no doubt, but nothing surprises us in this case anymore.

## With an open heart

We don't have much time to go over what happened, because an hour later we are scheduled to meet with **Mirtha Maidana Lugo** at the presidential residence, known as **Mburuvicha Roga** (which means ‘commander's quarters’ in Guarani), where we head together with **Pablo Balmaceda**. **Mirtha Maidana Lugo**, a young woman filled with a calm energy, receives us in her office. She listens closely to **Ana María Segovia**'s account, the essential facts of the case, the struggle of the community, the distressing health situation of the people of **Rincon'í**. Doctor **Balmaceda** gives greater detail of the health needs of the population and the immediate actions that could be taken.

**Mirtha Maidana** tells us that she is familiar with the case and promises that she will do everything in her power to help us achieve our goals: the health care project and the social action program for **Rincon'í**. “I promise to personally follow this case,” she assures us, making us feel that, at last our plea has been heard with an open heart.

When we leave **Mburuvicha Roga**, the three of us join in a long and silent embrace, feeling that the ten years that this community has been neglect and forsaken have maybe finally come to an end, and that a new phase has begun. We haven't yet achieved everything, but we have opened a path towards the objectives we have been struggling so hard to attain.

Tonight **Paraguay**'s national soccer team defeats **Venezuela** 2-0 in a match to qualify for the **South Africa** world championship. Firecrackers can be heard throughout Asuncion well into dawn. Paraguayans celebrate the victory, they relax and smile with joy and satisfaction. It's just a soccer game, nothing more, but many are also celebrating because they know that the country is playing another match. That in the next few years **Paraguay** will be playing a match for dignity, justice, honesty, freedom and sovereignty. There's still a long way to go, but the important thing is that it has begun.

From Asuncion, **Carlos Amorín**  
Rel-UITA  
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