

Real Rights: young people engaging with law enforcement

 Paraguay



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- Ask the police the reason for being stopped, they have to provide a reason, since there must be a just cause for the detention.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

No. You cannot be arrested or detained except by virtue of a written mandate from a competent authority, issued in accordance with the legal formalities and for reasons previously established in the Law; or in case you are caught in the act of committing an offence (*in flagrante delicto*).

In case you are caught in flagrante delicto, any person may arrest you for the sole purpose of handing you over to the authority, or to prevent the punishable act from producing consequences.

In general, you have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud. Sometimes you must give your name if asked to identify yourself. As a general rule, you are not required to talk to the police.

Also, in some cases, if you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and for only the indispensable time to check your identity. This must not last longer than six (6) hours.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;
2. have family members or individuals designated by him immediately informed of his arrest;
3. to have free communication except when, by way of an exception, he is ordered to be held incommunicado by virtue of a founded decision issued by a competent judicial authority. His incommunicado status, which in no case can exceed the deadline established by law, will not prevent him from contacting his defense authority;
4. To have an interpreter if necessary; and
5. To be brought before a competent judge within 24 hours of his arrest so that the judge may take appropriate legal decisions in the case.

Source: [Constitution of Paraguay 2011](#)

Code of Criminal Procedure of Paraguay

Article 212: Immediate Imprisonment

The judge may immediately order the apprehension of a witness when there is a well-founded fear that he is hiding, absconding or lacks domicile. This measure shall last for the time necessary to receive the statement, which shall never exceed twenty-four hours.

The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Article 239. Apprehension of Persons. The National Police may apprehend any person included in the following cases, even without a warrant:

- 1) when caught in flagrante delicto committing a punishable act or when pursued immediately after its commission; it shall be understood that flagrante delicto exists when the perpetrator of the punishable act is caught at the moment of attempting or committing it, or immediately after, or while being pursued by the police force, by the victim or by a group of persons;
- 2) when he has escaped from any penal establishment or any other place of detention; and,
- 3) when there are sufficient indications of his participation in a punishable act and these are cases in which preventive detention is appropriate.

Likewise, in case of flagrante delicto, any person may practice the apprehension and prevent the punishable act from producing consequences. The apprehended person shall be immediately handed over to the nearest authority.

The police authority that has apprehended any person must communicate it, within six hours, to the Public Prosecutor's Office and to the judge.

Source: [Code of Criminal Procedure of Paraguay](#)

What if the officers do not identify themselves?

You can request them to identify themselves. They must identify themselves when detaining or arresting someone.

Code of Criminal Procedure of Paraguay

Article 298: Basic Principles Of Action

Police officers and agents shall apprehend or detain the accused, in the cases authorized by this Code, in strict compliance with the following basic principles of action:

- 5) identify themselves, at the time of arrest, as a police authority and ascertain the identity of the person or persons against whom they are proceeding. The identification of the person to be arrested shall not be required in cases of flagrante delicto;

Source: [Code of Criminal Procedure of Paraguay](#)

What if an officer just begins speaking to me but does not order me to do anything?

In general, you have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud. In some cases, you must give your name if asked to identify yourself.

Constitution of Paraguay

Article 18: About Restrictions on Questioning

- (1) No one may be forced to give testimony against himself, against his spouse or partner, or against blood relatives of up to the fourth degree and relatives by marriage of up to the second degree.
- (2) Illegal acts committed by, or dishonors brought upon a defendant do not affect his relatives or next-of kin.

Source: [Constitution of Paraguay 2011](#)

What if the officer is not in uniform or identified as an officer but I think it is one?

You can request them to identify themselves. They must identify themselves when detaining or arresting someone.

Code of Criminal Procedure of Paraguay

Article 298: Basic Principles Of Action

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5) identify themselves, at the time of arrest, as a police authority and ascertain the identity of the person or persons against whom they are proceeding. The identification of the person to be arrested shall not be required in cases of flagrante delicto;

Source: [Code of Criminal Procedure of Paraguay](#)

Organic Law of National Police**Article 10:**

The following are rights, obligations and prohibitions for active police personnel:

12) The use of the uniform and their regulation weapons.

Source: [Organic Law of National Police.pdf \(policianacional.gov.py\)](#)

Can I tell police I do not want to speak without a lawyer?

Yes, you have the right to remain silent and you have the right to be represented by an attorney.

Constitution of Paraguay**Article 12: Of Detention and of Arrest**

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1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;
2. have family members or individuals designated by him immediately informed of his arrest;
3. to have free communication except when, by way of an exception, he is ordered to be held incommunicado by virtue of a founded decision issued by a competent judicial authority. His incommunicado status, which in no case can exceed the deadline established by law, will not prevent him from contacting his defense authority;
4. To have an interpreter if necessary; and
5. To be brought before a competent judge within 24 hours of his arrest so that the judge may take appropriate legal decisions in the case.

Source: [Constitution of Paraguay 2011](#)

If I sit down, am I resisting?

It depends. If you are viewed as being obstructive of a police investigation, then sitting down may be considered resisting. You could be subject to arrest and penalty for obstructive behavior.

Resisting arrest occurs when a person interferes with a law enforcement officer's attempt to perform a lawful arrest. If you resist arrest, you may be liable to legal consequences.

Code of Criminal Procedure of Paraguay**Article 82: Rebellion**

The accused shall be declared in absentia if he fails to appear at a summons without

justification, absconds from the establishment or place where he is detained, disobeys an arrest warrant or absents himself without notice from his real domicile.

The declaration of default and the consequent arrest warrant shall be ordered by the judge.

In cases of absentia, data indispensable for his arrest may be published by means of a court order.

Article 298: Basic Principles Of Action

Police officers and agents shall apprehend or detain the accused, in the cases authorized by this Code, in strict compliance with the following basic principles of action:

- 1) to use force only when strictly necessary and in the proportion required by the execution of the detention;
- 2) not to use weapons, except when there is resistance that endangers the life or physical integrity of persons, or for the purpose of preventing the commission of another punishable act, within the limitations referred to in the preceding paragraph. In case of escape, weapons shall only be used when less extreme measures are insufficient to achieve the arrest of the accused and after prior warning of their use;

Source: [Code of Criminal Procedure of Paraguay](#)

If I am stopped in a group, and some kids run, can I run?

Running may put yourself in a worse position because it can potentially provide a police officer with authority to take further action against you.

Try to stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where the police can see them.

You can ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

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Source: [Constitution of Paraguay 2011](#)

Can I tell others (siblings, for example) to run?

Running may put yourself or others in a worse position because it can potentially provide a police officer with authority to take further action against you.

Try to stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where the police can see them.

You can ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

Constitution of Paraguay

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Source: [Constitution of Paraguay 2011](#)

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes, you can inform the police agents that you do not understand Spanish or Guaraní. In that case an interpreter must be contacted and must translate all communications.

Constitution of Paraguay

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4. To have an interpreter if necessary;

Source: [Constitution of Paraguay 2011](#)

If I did not do anything, can they stop me?

No one can be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence.

In some cases, if you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and for only the indispensable time to check your identity.

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2. have family members or individuals designated by him immediately informed of his arrest;
3. to have free communication except when, by way of an exception, he is ordered to be held incommunicado by virtue of a founded decision issued by a competent judicial authority. His incommunicado status, which in no case can exceed the deadline established by law, will not prevent him from contacting his defense authority;
4. To have an interpreter if necessary; and
5. To be brought before a competent judge within 24 hours of his arrest so that the judge may take appropriate legal decisions in the case.

Source: [Constitution of Paraguay 2011](#)

Code of Criminal Procedure of Paraguay

Article 212: Immediate Imprisonment

The judge may immediately order the apprehension of a witness when there is a well-founded fear that he is hiding, absconding or lacks domicile. This measure shall last for the time necessary to receive the statement, which shall never exceed twenty-four hours.

The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Source: [Code of Criminal Procedure of Paraguay](#)

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

- The police may carry out a personal search when it considers that there are sufficient grounds to suspect that you are hiding among your clothes or belongings objects related to a punishable act.
- Before proceeding with the search, you shall be warned about the suspicion and the object sought, and the police should invite you to exhibit the object.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order, so you have no choice but to consent.

Code of Criminal Procedure of Paraguay

Article 179: Personal Search

The Police may carry out a personal search, whenever there are sufficient grounds to suspect that a person hides among his clothes, belongings, or has externally attached to his body, objects related to the punishable act.

Before proceeding with the search, the person shall be warned about the suspicion and the object sought, inviting him to exhibit the object.

The warning and the inspection shall be carried out in the presence of two competent witnesses, if possible local residents, who shall have no connection with the Police; under these formalities a record shall be drawn up which may be incorporated into the trial by reading it.

Article 180: Procedure for Inspection of Persons

Searches shall be carried out separately, respecting the modesty of the persons.

The inspection of a person shall be performed by another of the same sex.

The inspection shall be recorded in the minutes, which shall be signed by the person being searched; if he/she does not do so, the reason shall be stated.

Article 181: Inspection of Vehicles

The Police may carry out the requisition of a vehicle, whenever there are sufficient grounds to suppose that a person hides in it objects related to a punishable act. The same procedure shall be followed and the same formalities provided for the inspection of persons shall be complied with.

Source: [Code of Criminal Procedure of Paraguay](#)

What if a police officer wants to search my phone?

The police must acquire a warrant before searching your phone, however, if you freely and voluntarily allow them to search it, they don't need a warrant.

Constitution of Paraguay

Article 36: About the Inviolability of Personal Documents and Private Correspondence

- (1) Personal documents are inviolable. Records, regardless of the technique used, accountings, printed matter, correspondence, writings, telephonic communication, telegraphic communication, or any other type of communication, collections or

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reproductions, testimonies or objects of testimonial value, as well as their respective copies, cannot be reviewed, reproduced, intercepted, or seized unless a court order is issued in specific cases established in the law, and then only when action are essential for clearing up matters falling within the jurisdiction of the respective competent authorities. The law will establish special procedures for reviewing commercial accounting books and mandatory record books.

- (2) Evidence obtained in violation of the above provisions is not admissible in court.
- (3) In every case, strict reservation will be observed regarding matters irrelevant to the investigation.

Source: [Constitution of Paraguay 2011](#)

What if a police officer asks me for my password to my phone?

The police must acquire a warrant first, unless you freely and voluntarily give them your password.

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Source: [Constitution of Paraguay 2011](#)

What if they tell me to give them my password or other access to my phone?

They must have a warrant beforehand.

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- (2) Evidence obtained in violation of the above provisions is not admissible in court.
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Source: Constitution of Paraguay 2011

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

They must have a warrant beforehand. The police can only search your phone if you give them permission to do so, or if they have a valid warrant for the search.

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Source: [Constitution of Paraguay 2011](#)

What tools can police use to search me? What technology? (Facial recognition, hidden cameras, finger print searches, etc.)

N/A

Can they search my backpack or other item I am carrying?

The police need a warrant to search your backpack or other items you are carrying, unless you freely and voluntarily let them.

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- (2) Evidence obtained in violation of the above provisions is not admissible in court.
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Source: [Constitution of Paraguay 2011](#)

Can they take my picture or record me?

Taking photographs and recording you when you are plainly visible in public spaces is permissible.

What the police cannot do is to allow any detainees to be presented to any mass communication media without their express consent.

Code of Criminal Procedure of Paraguay

Article 298: Basic Principles Of Action

Police officers and agents shall apprehend or detain the accused, in the cases authorized by this Code, in strict compliance with the following basic principles of action:

4) not to allow the detainees to be presented to any mass communication media without their express consent, which shall be given in the presence of the defense counsel, after consultation, and shall be recorded in the respective proceedings;

Source: [Code of Criminal Procedure of Paraguay](#)

Source: [Filming, our best defense \(Spanish\) - Nacional - ABC Color.](#)

Can they ask me where I am going and why?

They can ask but you do not have to tell them.

In general, you have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud. In some cases, you must give your name if asked to identify yourself.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;
2. have family members or individuals designated by him immediately informed of his arrest;
3. to have free communication except when, by way of an exception, he is ordered to be held incommunicado by virtue of a founded decision issued by a competent judicial authority. His incommunicado status, which in no case can exceed the deadline established by law, will not prevent him from contacting his defense authority;
4. To have an interpreter if necessary; and
5. To be brought before a competent judge within 24 hours of his arrest so that the judge may take appropriate legal decisions in the case.

Source: [Constitution of Paraguay 2011](#)

Code of Criminal Procedure of Paraguay

Article 212: Immediate Imprisonment

The judge may immediately order the apprehension of a witness when there is a well-founded fear that he is hiding, absconding or lacks domicile. This measure shall last for the time necessary to receive the statement, which shall never exceed twenty-four hours.

The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Source: [Code of Criminal Procedure of Paraguay](#)

Reasons police may Detain or Arrest you

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

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The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Article 239: Imprisonment of Persons

The National Police may apprehend any person included in the following cases, even without a warrant:

- 1) when caught in flagrante delicto committing a punishable act or when pursued immediately after its commission; it shall be understood that flagrante delicto exists when the perpetrator of the punishable act is caught at the moment of attempting or committing it, or immediately after, or while being pursued by the police force, by the victim or by a group of persons;
- 2) when he has escaped from any penal establishment or any other place of detention; and,
- 3) when there are sufficient indications of his participation in a punishable act and the case is one of those case in which preventive detention is appropriate.

Likewise, in case of flagrante delicto, any person may practice the apprehension and prevent the punishable act from producing consequences. The apprehended person shall be immediately handed over to the nearest authority.

The police authority that has apprehended any person shall communicate it, within six hours, to the Public Prosecutor's Office and to the judge.

Article 240: Detention

The Public Prosecutor's Office may order a person to be detained, in the following cases:

- 1) when the presence of the accused is necessary and there is founded probability to sustain, reasonably, that he is the author or participant of a punishable act and that he may hide, abscond or absent himself from the place;
- 2) when at the first moment of the investigation it is impossible to individualize the accused and the witnesses and it is necessary to proceed with urgency in order not to prejudice the investigation, avoiding that those present move away from the place, communicate with each other and that the state of things and places be modified; and,
- 3) when for the investigation of a punishable fact it is necessary the concurrence of any person to give a statement and he refuses to do so.

In all cases, the person who has been arrested shall be placed at the disposal of the judge within twenty-four hours so that he may decide, within the same period of time, whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

The arrest warrant must contain the personal data of the accused that serve for his correct individualization, the succinct description of the fact that motivates it and the identification of the authority that ordered his arrest.

In no case may the National Police order arrests; it shall limit itself to making apprehensions in accordance with the provisions of the previous article and to comply with the arrest warrants issued by the Public Prosecutor's Office or the judge. Likewise, it may order the release of the apprehended or detained person when it deems that he/she will not request his/her preventive detention.

Source: [Code of Criminal Procedure of Paraguay](#)

What if I did not do anything illegal, must I speak with the police and answer questions?

You are not required to answer any questions if approached by police agents. You can ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

In some cases, the Police agents can ask you to provide your identity. If you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and to check your identity for only up to six (6) hours.

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The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Source: [Code of Criminal Procedure of Paraguay](#)

What if they tell me something they are investigating that is wrong? Must I correct them?

You are not required to answer any questions if approached by police agents. You can ask if you are free to leave. If the officer says yes, calmly and silently walk away. Please note that

anything you say can be used against you in a court of law, so it is advisable to speak to your defender of trust first.

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What if an officer just begins speaking to me but does not order me to do anything?

You are not required to answer any questions if approached by police agents. You can ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

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Source: [Constitution of Paraguay 2011](#)

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

Before you are arrested, you can ask if you are free to leave. If the officer says yes, you can walk away. Once you are placed under arrest or are in police custody (when you are not free to leave), the police are required to inform you about your rights and the charges against you and any statement you make after being properly arrested may be used as evidence against you.

After being arrested you have the right to the presence of an attorney.

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Source: [Constitution of Paraguay 2011](#)

Code of Criminal Procedure of Paraguay

Article 6: Immediate Imprisonment

The defense of the accused and the exercise of his rights shall be inviolable.

For the purposes of his procedural rights, the first act of the proceeding shall be understood to be any action by the prosecutor, or any action or proceeding carried out after the expiration of the established six-hour period.

The accused may defend himself or choose an attorney of his confidence, at his own expense, to defend him.

If he does not appoint a defense counsel, the criminal judge, regardless of the will of the accused, shall appoint a public defender ex officio.

The right to defense is inalienable and its violation will produce the absolute nullity of the proceedings from the moment it takes place.

The rights and faculties of the accused may be exercised directly by the defense counsel, except for those of a personal nature or when there is an express reservation in the law or in the mandate.

Source: [Code of Criminal Procedure of Paraguay](#)

The difference between police telling me what to do and asking me to do something.

Proposed Information

It is important to follow this advice:

Police can stop you and pat down your clothing if they suspect you have weapons and have a reasonable suspicion that a crime has taken place: under certain circumstances and if the police suspects that a crime has been committed or in flagrante delicto the police may arrest you.

Also, in some cases, if you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and for only the indispensable time to check your identity.

Code of Criminal Procedure of Paraguay

Article 84: Freedom to Declare, Opportunities and Competent Authority

The accused shall have the right to testify and to refrain from testifying, as well as to testify as many times as he wishes, provided that his statement is pertinent and does not appear as a dilatory means in the proceedings.

Article 179: Personal Search

The Police may carry out a personal search, whenever there are sufficient grounds to

suspect that a person hides among his clothes, belongings, or has externally attached to his body, objects related to the punishable act.

Before proceeding with the search, the person shall be warned about the suspicion and the object sought, inviting him to exhibit the object.

The warning and the inspection shall be carried out in the presence of two competent witnesses, if possible local residents, who shall have no connection with the Police; under these formalities a record shall be drawn up which may be incorporated into the trial by reading it.

Source: [Code of Criminal Procedure of Paraguay](#)

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

When you agree to a search, the police have the right to complete the search. If you do not agree to the search, and the police search anyways, without a warrant, you may later be able to argue that anything found during the search cannot be used against you.

Constitution of Paraguay

Article 36: About the Inviolability of Personal Documents and Private Correspondence

- (1) Personal documents are inviolable. Records, regardless of the technique used, accountings, printed matter, correspondence, writings, telephonic communication, telegraphic communication, or any other type of communication, collections or reproductions, testimonies or objects of testimonial value, as well as their respective copies, cannot be reviewed, reproduced, intercepted, or seized unless a court order is issued in specific cases established in the law, and then only when action are essential for clearing up matters falling within the jurisdiction of the respective competent authorities. The law will establish special procedures for reviewing commercial accounting books and mandatory record books.
- (2) Evidence obtained in violation of the above provisions is not admissible in court.
- (3) In every case, strict reservation will be observed regarding matters irrelevant to the investigation.

Source: [Constitution of Paraguay 2011](#)

What if they tell me to give them information versus them asking and me providing answers voluntarily?

The police cannot demand information from you.

After being arrested you have the right to consult a lawyer before speaking to the police and to have a lawyer present during questioning. If you are arrested and you provide police with answers voluntarily, then this information could be used in court.

If the police tell you to give them information, you do not need to answer.

In some cases, the Police agents can ask you to provide your identity, If you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and for only the indispensable time to check your identity, for up to six (6) hours.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

Code of Criminal Procedure of Paraguay**Article 212: Immediate Imprisonment**

The judge may immediately order the apprehension of a witness when there is a well-founded fear that he is hiding, absconding or lacks domicile. This measure shall last for the time necessary to receive the statement, which shall never exceed twenty-four hours.

The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours, in order to obtain a court order.

Source: [Code of Criminal Procedure of Paraguay](#)

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

- As a rule, yes, they do need a warrant to arrest you. However, Police officers can legally arrest you without a warrant in several circumstances:
 - When the crime is committed in flagrante delicto; or
 - When the officer has probable cause (reason to suspect) that the suspect committed a felony, whether or not the act was done in front of them.

Code of Criminal Procedure of Paraguay**Article 239: Imprisonment of Persons**

The National Police may apprehend any person included in the following cases, even without a warrant:

- 1) when caught in flagrante delicto committing a punishable act or when pursued immediately after its commission; it shall be understood that flagrante delicto exists when the perpetrator of the punishable act is caught at the moment of attempting or committing it, or immediately after, or while being pursued by the police force, by the victim or by a group of persons;
- 2) when he has escaped from any penal establishment or any other place of detention; and,
- 3) when there are sufficient indications of his participation in a punishable act and the case is one of those cases in which preventive detention is appropriate.

Likewise, in case of flagrante delicto, any person may practice the apprehension and prevent the punishable act from producing consequences. The apprehended person shall be immediately handed over to the nearest authority.

The police authority that has apprehended any person shall communicate it, within six hours, to the Public Prosecutor's Office and to the judge.

Article 240: Detention

The Public Prosecutor's Office may order a person to be detained, in the following cases:

- 1) when the presence of the accused is necessary and there is founded probability to sustain, reasonably, that he is the author or participant of a punishable act and that he may hide, abscond or absent himself from the place;
- 2) when at the first moment of the investigation it is impossible to individualize the accused and the witnesses and it is necessary to proceed with urgency in order not to prejudice the investigation, avoiding that those present move away from the place, communicate with each other and that the state of things and places be modified; and,
- 3) when for the investigation of a punishable fact it is necessary the concurrence of any person to give a statement and he refuses to do so.

In all cases, the person who has been arrested shall be placed at the disposal of the judge within twenty-four hours so that he may decide, within the same period of time, whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

The arrest warrant must contain the personal data of the accused that serve for his correct individualization, the succinct description of the fact that motivates it and the identification of the authority that ordered his arrest.

In no case may the National Police order arrests; it shall limit itself to making apprehensions in accordance with the provisions of the previous article and to comply with the arrest warrants issued by the Public Prosecutor's Office or the judge. Likewise, it may order the release of the apprehended or detained person when it deems that he/she will not request his/her preventive detention.

Source: [Code of Criminal Procedure of Paraguay](#)

If I did not do anything, can they stop me?

Police can stop you and pat down your clothing if they suspect you have weapons and have a reasonable suspicion that a crime has taken place: under certain circumstances and if the police suspects that a crime has been committed or in flagrante delicto the police may arrest you.

Also, in some cases, if you fail to provide your identity, such as: name, address, and date of birth as requested by police in the circumstances above, the police can detain you and take you to the nearby units that have adequate means to carry out the diligence of identification or accreditation of property, for this sole effect and for only the indispensable time to check your identity.

Code of Criminal Procedure of Paraguay

Article 84: Freedom to Declare, Opportunities and Competent Authority

The accused shall have the right to testify and to refrain from testifying, as well as to testify as many times as he wishes, provided that his statement is pertinent and does not appear as a dilatory means in the proceedings.

Article 179: Personal Search

The Police may carry out a personal search, whenever there are sufficient grounds to suspect that a person hides among his clothes, belongings, or has externally attached to his body, objects related to the punishable act.

Before proceeding with the search, the person shall be warned about the suspicion and the object sought, inviting him to exhibit the object.

The warning and the inspection shall be carried out in the presence of two competent witnesses, if possible local residents, who shall have no connection with the Police; under these formalities a record shall be drawn up which may be incorporated into the trial by reading it.

Source: [Code of Criminal Procedure of Paraguay](#)

Can I ask for the reason they stopped me?

Yes, you can ask why they stopped you and refuse to stop unless you're under arrest.

You can also ask the Police agent if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

Code of Criminal Procedure of Paraguay

Article 239: Imprisonment of Persons

The National Police may apprehend any person included in the following cases, even without a warrant:

- 1) when caught in flagrante delicto committing a punishable act or when pursued immediately after its commission; it shall be understood that flagrante delicto exists when the perpetrator of the punishable act is caught at the moment of attempting or committing it, or immediately after, or while being pursued by the police force, by the victim or by a group of persons;
- 2) when he has escaped from any penal establishment or any other place of detention; and,
- 3) when there are sufficient indications of his participation in a punishable act and the case is one of those case in which preventive detention is appropriate.

Likewise, in case of flagrante delicto, any person may practice the apprehension and prevent the punishable act from producing consequences. The apprehended person shall be immediately handed over to the nearest authority.

The police authority that has apprehended any person shall communicate it, within six hours, to the Public Prosecutor's Office and to the judge.

Article 240: Detention

The Public Prosecutor's Office may order a person to be detained, in the following cases:

- 1) when the presence of the accused is necessary and there is founded probability to sustain, reasonably, that he is the author or participant of a punishable act and that he may hide, abscond or absent himself from the place;
- 2) when at the first moment of the investigation it is impossible to individualize the accused and the witnesses and it is necessary to proceed with urgency in order not to prejudice the investigation, avoiding that those present move away from the place, communicate with each other and that the state of things and places be modified; and,
- 3) when for the investigation of a punishable fact it is necessary the concurrence of any person to give a statement and he refuses to do so.

In all cases, the person who has been arrested shall be placed at the disposal of the judge within twenty-four hours so that he may decide, within the same period of time, whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

The arrest warrant must contain the personal data of the accused that serve for his correct individualization, the succinct description of the fact that motivates it and the identification of the authority that ordered his arrest.

In no case may the National Police order arrests; it shall limit itself to making apprehensions in accordance with the provisions of the previous article and to comply with the arrest warrants issued by the Public Prosecutor's Office or the judge. Likewise, it may order the release of the apprehended or detained person when it deems that he/she will not request his/her preventive detention.

Source: [Code of Criminal Procedure of Paraguay](#)

Can I advocate for another young person stopped by police if we are stopped together?

For people from fourteen up to twenty years old, they have guaranteed an interview with his attorney prior to the hearing; and parents, guardians, or legitimate interested parties can participate on their defense.

Code of Criminal Procedure of Paraguay

Article 427: Special Rules

In the investigation and trial of punishable acts in which a person who has reached the age of fourteen and up to and including twenty years of age is identified as the perpetrator or participant, [the authorities] shall proceed in accordance to the Constitution, the International Law in force and the ordinary rules of this code, and in particular, those set forth below.

- 3) Statement by the adolescent. The adolescent shall be guaranteed an interview with his attorney prior to the hearing. The statement of the adolescent shall be made before the court and shall be received in the presence of the public defender or private attorney if he/she has one, and the competent prosecutor may intervene. No adolescent shall be subject to interrogation by police authorities about his participation in the facts under investigation. Failure to comply with this provision implies the nullity of the proceedings;
- 7) Participation of parents or legitimate interested parties. The parents or those who have had the adolescent in their care, custody or guardianship may attend the trial and participate in the defense of the adolescent;

Source: [Code of Criminal Procedure of Paraguay](#)

If I think the stop is unjustified, what can I do?

If you think that the stop is unjustified, ask the officer if you are under arrest. If you are not under arrest, then you should be free to leave.

You can also ask the Police agent if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

If your rights are violated, don't try to deal with the situation at the scene, this can escalate to a bigger problem. Try to stay calm and ask the Police agent if you are free to leave. You can talk to a lawyer afterwards and file a complaint.

To file a complaint or to ask questions, you can call the Ministry of Public Defense at 133 or online at [Ministry of Public Defense](#).

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

Can I get the officer's identifying information for a future complaint?

Yes. If asked, the police personnel must give you their name and badge number.

To file a complaint or to ask questions, you can call the Ministry of Public Defense at 133 or online at [Ministry of Public Defense](#).

Source: [Ministry of Public Defense – MDP](#)

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the following rights:

- You will be informed at the time of arrest of the reason for the arrest, of your right to remain silent and to be assisted by a defender you trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;
- You can have a family member or individual chosen by you immediately informed of your arrest;
- You have the right to have free communication, unless if, as an exception, you are ordered to be uncommunicated. This decision should be issued by a competent judicial authority. This uncommunicated status, which cannot exceed the deadline established by law, will not prevent you from contacting your lawyer;
- You can have an interpreter if necessary; and
- You have the right to be brought before a competent judge within 24 hours of the arrest, so that the judge may decide whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

Code of Criminal Procedure of Paraguay

Article 239: Imprisonment of Persons

The National Police may apprehend any person included in the following cases, even without a warrant:

- 1) when caught in flagrante delicto committing a punishable act or when pursued immediately after its commission; it shall be understood that flagrante delicto exists when the perpetrator of the punishable act is caught at the moment of attempting or committing it, or immediately after, or while being pursued by the police force, by the victim or by a group of persons;
- 2) when he has escaped from any penal establishment or any other place of detention; and,
- 3) when there are sufficient indications of his participation in a punishable act and the case is one of those case in which preventive detention is appropriate.

Likewise, in case of flagrante delicto, any person may practice the apprehension and prevent the punishable act from producing consequences. The apprehended person shall be immediately handed over to the nearest authority.

The police authority that has apprehended any person shall communicate it, within six hours, to the Public Prosecutor's Office and to the judge.

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- 1) when the presence of the accused is necessary and there is founded probability to sustain, reasonably, that he is the author or participant of a punishable act and that he may hide, abscond or absent himself from the place;
- 2) when at the first moment of the investigation it is impossible to individualize the accused and the witnesses and it is necessary to proceed with urgency in order not to prejudice the investigation, avoiding that those present move away from the place, communicate with each other and that the state of things and places be modified; and,
- 3) when for the investigation of a punishable fact it is necessary the concurrence of any person to give a statement and he refuses to do so.

In all cases, the person who has been arrested shall be placed at the disposal of the judge within twenty-four hours so that he may decide, within the same period of time, whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

The arrest warrant must contain the personal data of the accused that serve for his correct individualization, the succinct description of the fact that motivates it and the identification of the authority that ordered his arrest.

In no case may the National Police order arrests; it shall limit itself to making apprehensions in accordance with the provisions of the previous article and to comply with the arrest warrants issued by the Public Prosecutor's Office or the judge. Likewise, it may order the release of the apprehended or detained person when it deems that he/she will not request his/her preventive detention.

Source: [Code of Criminal Procedure of Paraguay](#)

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

What if I do not know if I am under arrest?

If you are under police custody and you do not feel free to leave, you can ask the police agents if you are free to leave.

If you are under arrest, you have the right to be informed about your rights:

- You have to be informed at the time of arrest of the reason for the arrest, of your right to remain silent and to be assisted by a defender you trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;
- You can have a family member or individual chosen by you immediately informed of his arrest;
- You have the right to have free communication except when, as an exception, you are ordered to be uncommunicated as a decision issued by a competent judicial authority. This uncommunicated status, which cannot exceed the deadline established by law, will not prevent you from contacting your lawyer;
- You can have an interpreter if necessary; and
- You have the right to be brought before a competent judge within 24 hours of the arrest, so that the judge may decide whether preventive detention is appropriate, apply alternative measures or decree release for lack of merit.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

What is the difference between detention and arrest?

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

General Assembly resolution 43/173 - 09 December 1988 – United Nations

....(a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;

(b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;....

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

General Assembly resolution 43/173 - 09 December 1988 – United Nations

Source: [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR](#)

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

I am handcuffed, am I arrested?

No, you can be handcuffed, for example, during transfers. You are only under arrest once you are notified of the charges against you and the authority informs you of your rights.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

If my liberty is restricted, am I under arrest?

Not necessarily, as you can be retained for investigation up to six (6) hours without a judicial order. You are only under arrest once you are notified of the charges against you and the authority informs you of your rights.

Code of Criminal Procedure of Paraguay

Article 185: Coercive Powers

For the purposes of carrying out the search, it may be ordered that during the diligence the persons who are in the place do not absent themselves or that any other person immediately appears.

Those who disobey shall incur the responsibility of witnesses, without prejudice to being compelled by the police force, as provided by this code.

The restriction of liberty shall not last more than six hours, without seeking the judge's order.

Source: [Code of Criminal Procedure of Paraguay](#)

What to do after being warned of your rights?

Proposed Information

It is important to follow this advice:

You can leverage your rights:

- Right to remain silent/refrain from testifying
- Right to inform third parties about the arrest
- Right to have access to a lawyer
- Right to have an interpreter/to be informed in a language that you understand
- Right to have your physical integrity and dignity protected
- Right to know the reasons for your detention

You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right.

You are also able to waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights, but I am ready to talk to you.' This is not a good idea without a lawyer present.

Make sure you know what you're doing in giving up your rights.

Source: [Document No. 4 Series on Safeguards to Prevent Torture in Police Custody in Latin America \(Spanish\)](#)

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Source: [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#)

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

How do things change if I am read my rights by police?

Once you are notified of the charges against you and informed of your rights by the police, you are now under arrest.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

No, but they can only detain or imprison you in places established by law.

Constitution of Paraguay

Article 21: About the Imprisonment of People

- (1) Those people deprived of their freedom will be kept in adequate establishments, in which the mixture of sexes should be avoided. Minors will not share the same establishments with adults.

- (2) Persons subject to preventive custody will stay in places other than those designed for convicted inmates.

Source: [Constitution of Paraguay 2011](#)

Police questioning you

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation.
- However, you can be retained for investigation up to six (6) hours without a judicial order. Still, you are only under arrest once you are notified of the charges against you and the authority informs you of your rights.
- If police have arrested you and you are a minor, police are required to immediately notify your parent, caretaker or legal guardian.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Principle 16

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

Source: [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#)

Code of Criminal Procedure of Paraguay

Article 185: Coercive Powers

For the purposes of carrying out the search, it may be ordered that during the diligence the persons who are in the place do not absent themselves or that any other person immediately appears.

Those who disobey shall incur the responsibility of witnesses, without prejudice to being compelled by the police force, as provided by this code.

The restriction of liberty shall not last more than six hours, without seeking the judge's order.

Source: [Code of Criminal Procedure of Paraguay](#)

Am I required to make a statement?

You have the right to refrain from making any statements without any repercussion. If you do make a statement, you have the right to always have a lawyer present.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

Must police notify my guardian?

The police will notify parents or guardians, and you have the right to inform third parties about the arrest.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Principle 16

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

Source: [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#)

Must I confess?

You have the right to remain silent and ask for a lawyer. No matter what the police may say, you do not have to say you did anything (confess), explain what happened, give a statement (a written document), or answer any questions.

Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

What adults can I ask to be with me?

For people from fourteen up to twenty years old, they have guaranteed an interview with his attorney prior to the hearing and parents, guardians, or legitimate interested parties can participate on their defense.

Code of Criminal Procedure of Paraguay

Article 427: Special Rules

In the investigation and trial of punishable acts in which a person who has reached the age of fourteen and up to and including twenty years of age is identified as the perpetrator or participant, shall proceed in accordance with the Constitution, the International Law in force and the ordinary rules of this code, and in particular, those set forth below shall apply.

- 3) Statement by the adolescent. The adolescent shall be guaranteed an interview with his attorney prior to the hearing. The statement of the adolescent shall be made before the court and shall be received in the presence of the public defender or private attorney if he/she has one, and the competent prosecutor may intervene. No adolescent shall be subject to interrogation by police authorities about his participation in the facts under investigation. Failure to comply with this provision implies the nullity of the proceedings;

- 7) Participation of parents or legitimate interested parties. The parents or those who have had the adolescent in their care, custody or guardianship may attend the trial and participate in the defense of the adolescent;

Source: [Code of Criminal Procedure of Paraguay](#)

Who do police have to contact if I am a legal minor?

The police will notify parents or guardians, and you have the right to inform third parties about the arrest.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Principle 16

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

Source: [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#)

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Article 427: Special Rules

In the investigation and trial of punishable acts in which a person who has reached the age of fourteen and up to and including twenty years of age is identified as the perpetrator or participant, shall proceed in accordance with the Constitution, the International Law in force and the ordinary rules of this code, and in particular, those set forth below shall apply.

- 3) Statement by the adolescent. The adolescent shall be guaranteed an interview with his attorney prior to the hearing. The statement of the adolescent shall be made before the court and shall be received in the presence of the public defender or private attorney if he/she has one, and the competent prosecutor may intervene. No adolescent shall be subject to interrogation by police authorities about his participation in the facts under investigation. Failure to comply with this provision implies the nullity of the proceedings;
- 7) Participation of parents or legitimate interested parties. The parents or those who have had the adolescent in their care, custody or guardianship may attend the trial and participate in the defense of the adolescent;

Source: [Code of Criminal Procedure of Paraguay](#)

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

- You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.
- This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

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Constitution of Paraguay

Article 12: Of Detention and of Arrest

No one will be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to a crime punishable with a prison sentence. Any arrested person has the right:

1. to be informed at the time of arrest of the reason for the arrest, and of his right to remain silent and to be assisted by a defender of his trust. The official conducting the arrest must produce an arrest warrant at the time of the arrest;

Source: [Constitution of Paraguay 2011](#)

What if I am just a witness?

You have the right to refrain from making any statements without repercussions. If you do make a statement, you have the right to always have a lawyer present.

Constitution of Paraguay

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Source: [Constitution of Paraguay 2011](#)

Do police always have to tell the truth?

Proposed Information

It is important to follow this advice:

- No. The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

Organic Law of National Police

Article 6:

The functions, duties and attributions of the National Police shall be the following:

3. To prevent the commission of crimes and misdemeanors through technical organization, information and surveillance.
4. To investigate under judicial direction crimes committed at any point of the national territory, in public waters or airspace.

Source: [Organic Law of National Police.pdf \(policianacional.gov.py\)](#)

Can the police lie to me?

The police can restrain information during the course of the investigation.

Organic Law of National Police

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Source: [Organic Law of National Police.pdf \(policianacional.gov.py\)](#)

Do I have to tell the police the truth?

You have the right to refrain from making any statements without this being used against you. If you do make a statement, you have the right to always have a lawyer present. In case you decide to speak to the police, you must tell the truth. **In any case, please note that anything that you say may be used against you in court. We advise not to speak to the police without a lawyer present.**

Constitution of Paraguay**Article 12: Of Detention and of Arrest**

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Source: [Constitution of Paraguay 2011](#)

How do I make a complaint if I have questions or feel my rights have been violated?**Proposed Information**

It is important to follow this advice:

Remedies:

You can reach the **General Directorate of Human Rights** for support:

- **Address:** Av. Brasil 1022 c/República de Colombia. Asunción - Paraguay
- **Phone:** (+595 21) 200 - 687
- **Email:** derechoshumanos@ministeriodejusticia.gov.py

National Police Anti-Corruption Reporting Portal

You can file a complaint about police corruption (Public or anonymously)

- www.denuncias.gov.py
- Phone: (021) 44-13-55
int.: 235
- transparenciayanticorruccion@pn.gov.py

Source: [General Directorate of Human Rights](#)

Source: [National Police Anti-Corruption Reporting Portal](#)

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

Remedies:

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- **Address:** Av. Brasil 1022 c/República de Colombia. Asunción - Paraguay
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Public Ministry Reporting 24 HS

Complaint Center 021 454 611

Your rights

Your rights only exist when you exercise them. For this to happen, it is very important that you know them and are willing to assert them.

Turn to the offices of the Public Prosecutor's Office in your community.

The counseling offices can give you the information that will allow you to exercise your rights.

You have the right to:

- Not to be mistreated.
- Not to be discriminated against.
- To file a complaint.
- Access to justice free of charge.

When is someone considered a victim?

When a person is directly affected by the punishable act.

If you were a victim of a crime, you have the right to be treated with dignity and respect.

You can also connect with the **INDI (Paraguayan Indigenous Institute)** for support when applicable:

- **Address:** Avda. Gral. Artigas y Tte. Cusmanich (Intendencia del Ejercito)
- **Email:** presidencia@indi.gov.py
- **Phone:** (+595 21) 201 218
- **Office Hours:** Lunes a Viernes de 8:00 a 15:00 hs.
- **Reception of digital files:** mesadeentrada@indi.gov.py

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Source: [Public Ministry](#)

Source: [Paraguayan Indigenous Institute](#)

Source: [General Directorate of Human Rights](#)

Source: [National Police Anti-Corruption Reporting Portal](#)

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

Remedies:

Public Ministry Reporting 24 HS
Complaint Center 021 454 611

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Source: [Public Ministry](#)

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

Remedies:

In these cases, you can file a habeas corpus, which is the most expeditious and effective way to request the release of a person that was illegally detained. Any person can do it, it does not need to be a family member and you do not require a lawyer to file it.

You can initiate the procedure at the [Criminal Chamber of the Supreme Court of Justice](#).

Regulation the Constitutional Guarantee of Habeas Corpus

Article 3:

The habeas corpus proceeding shall be initiated before the Criminal Chamber of the Supreme Court of Justice, or before any judge of first instance, according to the rules that determine its territorial jurisdiction, unless the alleged illegitimate act had or could produce its effects throughout the territory of the Republic or in undetermined places within it, in which case this limitation shall not apply.

Source: [Regulation the Constitutional Guarantee of Habeas Corpus](#)

Constitution of Paraguay

Article 133: About Habeas Corpus

- (1) This guarantee can be petitioned by the affected party using tangible means, either personally or through another person, without the need for a power of attorney and before any court of first instance within the respective judicial district.
- (2) Habeas corpus may be:
 1. Preventive: Whereby any person facing the imminent danger of being illegally deprived of his freedom may request the court to examine the legitimacy of the circumstances that, in his opinion, are threatening his freedom; he may also request the court to halt these restrictions.
 2. Restorative: Whereby any person who has been illegally deprived of his freedom may request that the circumstances of the case be corrected. The judge will order that the detainee be brought before him, as well as a report by the public or private agent who made the detention, within 24 hours of the filing of the Habeas Corpus petition. If the affected agent failed to comply with the court order, the judge will report to the petitioner's place of detention and, after evaluating the merits of the case, order the release of the petitioner as if he had been brought before the judge and the report had been filed. If there is no legal cause for the deprivation of freedom, the judge will order the petitioner's immediate release; if there is a written order by a court authority, he will refer the case files to the judge who ordered the detention.
 3. Generic: Whereby anyone may demand the correction of circumstances that, despite not falling within the above categories, may restrict freedom or threaten personal security. Similarly, this guarantee may also be applied to cases of physical, psychological, or moral abuse against individuals who have been legally deprived of their freedom. The law will regulate the various types of Habeas Corpus, which will be

applicable even in a state of exception. Habeas Corpus proceedings will be brief, summary, and free of charge. A judge may ex-officio begin these proceedings.

Article 134: About Amparo

- (1) Anyone who considers himself seriously affected by a clearly illegitimate act or omission, either by governmental authorities or individuals, or who may be in imminent danger that the rights and guarantees of this Constitution or the laws may be curtailed, and who in light of the urgency of the matter cannot seek remedy through regular legal channels, may file a petition for Amparo before a competent judge. Proceedings will be brief, summary, and free of charge, and will include actions in those cases established by the law.
- (2) The judge is empowered to safeguard rights, guarantee, or immediately restore the legal situation that existed prior to the violation.
- (3) If the subject matter is an electoral issue, the electoral courts will have jurisdiction over the case.
- (4) A petition for Amparo cannot be filed in relation to a case that is already being heard by the courts, against actions taken by judicial organizations, or in the process of discussion, approval, and promulgation of the laws.
- (5) The law will regulate the respective proceedings. Court ruling in Amparo cases will not be final.

Source: [Constitution of Paraguay 2011](#)

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Law is generally described as of July 2024.

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