

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Names
2014		75	Paraguay	<i>Nelson Aguilera</i>

Announcement

PEN International Writers in Prison Committee reports today that the Paraguayan writer Nelson Aguilera was sentenced to 30 months in prison for alleged plagiarism in November 2013. His conviction is currently on appeal before the Supreme Court of Justice. Aguilera allegedly plagiarized Maria Eugenia Garay's novel *El túnel del tiempo* (The Tunnel of Time) in his 2010 historical novel for children, *Karumbita: La patriota* (Karumbita: The Patriot). According to many experts, the allegations are unfounded. We hope that you can send the recommended urgent appeal immediately. Please remember to write in your professional capacity.

Pen International Writers in Prison Committee:

Nelson Aguilera | Writer | Paraguay | 12 November 2014

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Writer, teacher and member of PEN Paraguay, Nelson Aguilera was sentenced to 30 months in prison for alleged plagiarism on 4 November 2013. His conviction is currently the subject of an appeal to the Supreme Court of Justice. Aguilera is alleged to have plagiarised Maria Eugenia Garay's 2005 novel El

túnel del tiempo (*The Tunnel of Time*) in his 2010 novel for children *Karumbita: La patriota* (*Karumbita: The Patriot*). Independent experts and writers have found that the similarities in the two works cannot be described as plagiarism. PEN believes Aguilera's sentence to be unjust and calls on the Paraguayan authorities to quash his conviction without further delay.

On 1 July 2010, writer Maria Eugenia Garay Zucolillo filed a lawsuit against Nelson Aguilera alleging that he had plagiarised her adult novel *El túnel del tiempo* (Criterio Ediciones, 2005) in the second in his series of children's novels *Karumbita: La patriota* (Alfaguara Infantil, 2010).

Karumbita: La patriota tells the story of Paraguayan independence through the time-travelling adventures of two children, Anahí and Manuel, and a magical turtle, Karumbita. In the story, Karumbita dreams that she builds a time machine with the children allowing them to participate in Paraguay's struggle for independence in May 1811. In the dream the characters meet several figures of historical significance. Garay's novel *El túnel del tiempo* tells the story of two children, Jerónimo and Rodrigo, who—along with their grandfather, the wizard Paracelsus and Albert Einstein, among others—journey through time, witnessing the various key points in the life of man, meeting various mythological and historical characters along the way. One of their stops is the Paraguayan declaration of independence.

At least six independent experts and writers have provided separate detailed written analyses of both Aguilera and Garay's works and found that the similarities in them cannot be described as plagiarism. They argue that while both texts feature similar thematic elements, such as time travel, and significant dates in Paraguayan history, the manner in which they are used is significantly different. The analyses show that the literary styles, structure and argument of the works differ and that Aguilera has not lifted any sentences or paragraphs from Garay's work.

Experts also highlighted that where similarities were found, these were owing to both authors referencing known historical facts and events. Such facts belong to neither one of the authors. The experts add that time travel has been used as a theme throughout literature and as such its use alone cannot constitute plagiarism.

According to Aguilera, 40 witnesses were prevented from testifying in his defence during the trial as the judge ruled that they had been presented too late. These included a recognised legal expert in plagiarism employed by the court to investigate the case against Aguilera who had concluded that Aguilera did not have a case to answer.

Aguilera was nonetheless convicted of plagiarism on 4 November 2013 and sentenced to 30 months in prison. His conviction and sentence were upheld by the Chamber of Appeal in Asunción in June 2014. Aguilera has filed an appeal with the the Supreme Court of Justice, which is now under review by three ministers in the Constitutional Court. He awaits their verdict.

Aguilera has [suggested](#) that his conviction may have been influenced by the fact that Garay's brother, César Garay Zucolillo, is minister of the Supreme Court of Justice.

On 9 July 2014, Aguilera took the opportunity [to present his case](#) before Parlasur, the parliament of Mercosur, a sub-regional bloc of countries comprising Argentina, Brazil, Paraguay, Uruguay and Venezuela. Aguilera was accompanied by the writer Lino Trinidad, who acted as an expert witness at the court's request, and represented the Paraguayan Writers Society.

Aguilera is a prolific author who has published some 40 books including works of children's fiction – such as his Karumbita series – adult fiction – including *Flores en llamas* (2013) – poetry, and educational textbooks. Over the course of the trial he has continued to write and recently launched his latest title in the 'Karumbita' series, *Karumbita va al Mundial*.

PLEASE SEND APPEALS:

- ** Condemning the conviction and 30-month prison sentence of Paraguayan writer Nelson Aguilera for alleged plagiarism in his children's novel *Karumbita: La patriota*;
- ** Calling for Aguilera's conviction to be quashed and for him not to be imprisoned.

APPEALS TO:

1) *President of Paraguay:*

- ** Sr. Horacio Manuel Cartes
- ** Presidente de la República del Paraguay
- ** Palacio de Gobierno,
- ** El Paraguayo Independiente entre O'Leary y Ayolas
- ** Asunción, Paraguay
- ** Fax: +595 21 414 02 01
- ** E-mail: secretariaprivada@presidencia.gov.py
- ** *Salutation:* Dear President / Estimado Presidente Edgar Manuel Escobar Rodas

2)

** Supreme Court of Justice coordinator

** Palacio de Justicia

** Alonso y Testanova

** Planta Baja

** Email: ed_escobar@pj.gov.py

3) *Please also send copies of your appeals to the [Paraguayan Embassy in your country](#).*

PUBLICITY:

PEN members are encouraged to:

** Publish articles and opinion pieces in your national or local press highlighting Nelson Aguilera's case.

** Organise public events, stage readings, press conferences or demonstrations.

** Share information about Nelson Aguilera and your campaigning activities for him via social media

SOCIAL MEDIA:

** Please use the hashtag #ImprisonedWriter

** Suggested tweets:

#Paraguay Drop unfounded 'plagiarism' charges against writer & teacher Nelson Aguilera, sentenced to 30 months in prison #ImprisonedWriter @pen_int

On Day of the #ImprisonedWriter take action for writers resisting repression of their right to #FOE

SOLIDARITY:

** Write to Nelson Aguilera expressing your support. For contact details, please contact Tamsin Mitchell.

For correspondence guidance, read the PEN WiPC *Guide to Defending Writers Under Attack* (Part V, pgs 15-20).