

PUBLIC

AI Index: AMR 45/006/2009

16 February 2009

UA 40/09

Medical concern

PARAGUAY

Members of the Sawhoyamaxa and Yakye Axa Indigenous communities, especially young children and the elderly

Dead: Six people between the ages 4 months and 76 years

---

Six people from the Sawhoyamaxa Indigenous community living in Santa Elisa, in Paraguay's Chaco region, have died in the last seven weeks from what appear to be preventable illnesses. One member of the nearby Indigenous community of Yakye Axa is suffering from similar symptoms to those who died, and has not received medical treatment. The government has a responsibility to uphold the right to health of these communities by ensuring they have access to medical attention and clean drinking water, and this is backed up by a ruling of the Inter American Court of Human Rights, which states that, because the communities are unable to live on their ancestral lands, the authorities in Paraguay are legally obliged to provide basic services to ensure the communities' survival, including medical care, food and clean drinking water.

Of the six people who died, four were under the age of two. Five of the dead had experienced diarrhoea and vomiting. Four-month-old Susana Marecos died on 28 January, the day after she was discharged from hospital in the nearby town of Concepción. Rodrigo Lara Marecos, who was 18 months old, died three days after he was discharged from hospital. Two other children died in the settlement. Mónica Chavez Galarza, aged 26, died on 27 January while trying to travel to hospital after suffering from vomiting and diarrhoea. Although the community has a two-way radio link installed specifically for them to communicate with the hospital in emergencies, members of the community say that no-one answers.

The father of the leader of the neighbouring Yakye Axa community has also been suffering from abdominal pain, vomiting, and diarrhoea. The man has still not been given medical attention, despite being assured that medical assistance was on its way by staff at the hospital in Concepción.

The Paraguayan authorities are obliged to deliver regular supplies of both clean drinking water and basic food to the Sawhoyamaxa and Yakye Axa communities. However, since November neither community has received any food or water, forcing them to rely on unclean water sources and hunting to survive. While health visitors go to the communities once a month, no provisions are made for health care between their visits, and the attention they receive is primarily palliative. In cases of emergency, if the community are able to contact the hospital, they are often told that if they want an ambulance to come they have to cover petrol costs, approximately 50,000 Guarani (US\$10). While the hospital is obliged to provide free medicines to these Indigenous communities, in practice this does not always happen and sometimes they are given prescriptions to purchase the medicine elsewhere. Together, these obstacles mean that it is almost impossible for members of the community to prevent illness, or to obtain timely medical treatment in cases of emergency. Since the deaths, the Paraguayan non-governmental organization Tierraviva has been informed that a government agency will deliver water, but the communities still have not received a delivery. A separate government body claims that they have not been given the necessary budget from the Finance Ministry, preventing them from delivering basic food items.

#### **BACKGROUND INFORMATION**

Since the 1990s both the Sawhoyamaxa and Yakye Axa communities, of the Enxet ethnic group, have been living alongside the Pozo Colorado-Concepción road. They are demanding the right to live on their ancestral land, which today is in the hands of private owners. As a result of the failure of the Paraguayan state to resolve their land

claims, and with the help of Tierraviva, they took their cases to the Inter-American Commission on Human Rights, and subsequently to the Inter-American Court on Human Rights. The Court found violations of their rights to fair trial and judicial protection, to property and to life. The two judgements from the Inter American Court oblige the Paraguayan authorities to return the ancestral lands to both communities within a period of three years. For the Yakye Axa community, this period ran out on 13 July 2008 and for the Sawhoyamaya community it runs out on 19 May 2009. Until their ancestral land is reinstated, the authorities are obliged to undertake a set of concrete actions, including the provision of basic services that are essential for their survival while they are living in such precarious conditions.

Before these recent deaths, since the two rulings in 2005 and 2006 13 people had died in Sawhoyamaya and eight in Yakye Axa. In February 2008 the Inter American Court directly attributed these deaths to the lack of compliance by the state with the judgements. Paraguay's President and Ministers are due to sign a decree to create a commission which will coordinate compliance with the Inter-American Court's judgement. Once effective, this inter-institutional commission should ensure that all the elements of the judgement are complied with, and oversee the functioning of mechanisms put in place for providing food, medical care and water to the communities.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:**

- expressing concern about the recent deaths of six members of the Sawhoyamaya community, including infants, from what appear to be preventable illnesses;
- expressing concern that the Paraguayan authorities have failed to provide adequate medical care, food and clean drinking water to the Sawhoyamaya and Yakye Axa communities;
- requesting that steps are taken immediately to resume the regular provision of basic food, water and medical care;
- urging the authorities to ensure that medical care should include preventive measures, a trained health worker who is available to the communities and a medical clinic (dispensario medico); and that there should also be an effective means to communicate with the local hospital in emergencies;
- reminding them of their legal obligation to comply, without further delay, with the rulings of the Inter-American Court on Human rights, in particular in regard to the restoration of their ancestral lands.

**APPEALS TO:**

Regional Hospital

Dr. José Modesto Araújo, Director, I Región Sanitaria

Dr. Royg Bernal esq. Prof. Guillermo Cabral, Concepción, Departamento Concepción, Paraguay

**Fax: + 595 3312 42314 (please keep trying if you have problems getting through)**

**Salutation: Dear Doctor/Estimado Doctor**

Procurator General's Office (which will coordinate the Inter-Institutional Commission)

José Enrique García Ávalos, Procurador General de la Republica del Paraguay

Procuraduría General de la Republica, José Berges 1007 c/Perú, Asunción, Paraguay

**Fax: + 595 21 414 5025/5075**

**Salutation: Dear Procurator General/ Estimado Señor Procurador General**

**COPIES TO:**

Tierraviva

Tierra Viva a los Pueblos Indígenas del Chaco

Dirección Manuel Domínguez N° 1073 e/ EEUU y Brasil - Asunción, Paraguay

Casilla Postal 2594

**Fax: + 595 21 202 039 / + 595 21 209 092/ + 595 982 344 034**

and to diplomatic representatives of Paraguay accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 March 2009.