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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1802
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Indigenous Peoples v. Paraguay
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	6 - 24 October 1975
Citation:	Indigenous Peoples v. Para., Comm. 1802, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1802 , presented through a communication dated March 1, 1974, denounces the enslavement of and acts of genocide committed against indigenous peoples in Paraguay, especially against the "Aches" Indians.

[2] Through a note dated April 8, 1974, the Commission requested the Government of Paraguay to provide the appropriate information, transmitting to it the pertinent parts of the complaints, in accordance with Articles 42 and 44 of its Regulations.

[3] During the thirty-second session (April 1974) and the thirty-fourth session (October 1974), the Commission continued its examination of case 1802, although it did not have any information from the Government of Paraguay available. Furthermore, in April 1974, the claimants presented new data on the denunciation; this was transmitted to the Government of Paraguay through a note dated June 3, 1974, in which the Commission repeated its request for transmittal of the information requested on April 8, 1974. This request was repeated again on December 17, 1974, by virtue of the decision reached at the thirty-fourth session, cited above.

[4] During the thirty-fifth session (May 1975) the Commission considered the status of case 1802, noting that the Government of Paraguay had not yet transmitted the information the Commission had requested, and decided to examine this case as part of topic 5 of its Agenda entitled "Status of Human Rights in the American Countries", and instructed the rapporteur for the case, Dr. Robert F. Woodward, to formulate such recommendations as he deemed pertinent as to the decision that should be taken at this point in the processing of the case.

The rapporteur prepared a report on case 1802 (doc.12-35 res.) and a draft agreement on the case (doc. 39-35) these were placed under consideration and approved with certain changes. At that same session it was decided to transmit it to the Government of Paraguay, requesting that it kindly provide such information as it deemed appropriate.

[5] Pursuant to this decision, a note was sent to the Government of Paraguay on August 8, 1975, and a copy was sent to the Paraguayan Mission to the OAS on that same day.

The text of the decision transmitted to the Government of Paraguay (doc. 39-35 rev.1) is as follows:

In the case of the allegation made against the Government of Paraguay to the effect that it had committed "acts of genocide" and other abuses against indigenous tribes of Paraguay, especially the "Ache" tribe or Guayaki:

1. The Commission, having received and examined the preliminary report of the rapporteur, agrees with the opinion expressed by the rapporteur to the effect that in this case, the Commission should first examine the Paraguayan Government's policy and present handling of the "Ache" Indians, that is, since the time of the change and administrative reorganization of the Guayaki National Settlement in September 1972. However, the Commission has noted that the Government of Paraguay has not provided information regarding the denunciation of alleged abuses of members of Indian tribes, specially the "Ache, alleged to have taken place before or after that date.

2. The Commission provisionally accepts the preliminary conclusion reached by the rapporteur that the policy of the Government of Paraguay is not a policy aimed at eliminating the Ache Indians, but rather a policy aimed at promoting assimilation and providing protection insofar as limited resources will allow, after having established the "Guayaki National Settlement" in 1960. This preliminary conclusion does not preclude a concern over possible abuses by private individuals in remote regions of Paraguay.

3. The Commission also provisionally accepts the preliminary conclusion reached by the rapporteur to the effect that a number of creditable witnesses give cause to believe that since September 1972 the administration of the Guayaki National Settlement has been engaged in humanitarian efforts and that it is making the necessary efforts to assist the Ache Indians and reduce the possibility of violent confrontation between members of that tribe and other Paraguayan citizens. This preliminary conclusion does not include nay judgment as to the religious orientation of the current administration of the settlement although the rapporteur has reached the preliminary conclusion that the Ache Indians in the settlement are free to follow their religious beliefs and their artistic cultural traditions.

4. The Commission provisionally shares the concern expressed by the rapporteur as to the possible status of Ache children who have been separated from their families or sold by their families under varying circumstances, in part a result of the nomadic tradition of the tribe's culture. The Commission is also concerned over situations where it is said that Ache Indians are rendering services to land owners or private individuals under conditions such that they are not free to leave those jobs or change jobs.

5. The Commission agrees to instruct the rapporteur to continue his efforts to compile information on all the allegations, specially those on alleged acts said to have taken place since September 1972 which involve violations of the right of life, the right to liberty and the right to protection of the family and the right to childhood.

6. Taking into account the conclusions and concerns expressed above, the Commission agrees to again request the Government of Paraguay to reply to its requests for information filed on April 8, June 3, and December 17, 1974.

7. Finally, the commission decides to transmit a copy of this decision to the Government of Paraguay.

[6] Pursuant to number 7 of this decision, the Commission addressed the Government of Paraguay on August 8, 1975. The claimants were informed of the decision through a letter dated December 10, 1975.

[7] At its thirty-sixth session (October 1975) the Commission continued examining case 1802 and since the Government of Paraguay had not presented the requested information it agreed to postpone study of this case until the next session once the Government of Paraguay had submitted the requested supplementary information.