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Institution: Inter-American Commission on Human Rights  
File Number(s): Case No. 1802  
Session: Forty-First Session (11 – 27 May 1977)  
Title/Style of Cause: "Ache" Indians v. Paraguay  
Doc. Type: Resolution  
Decided by: President: Dr. Andrés Aguilar  
Vice-President: Dr. Carlos a. Dunshee de Abranches  
Members: Prof. Tom J. Farer; Dr. Gabino Fraga; Dr. Carlos García Bauer;  
Dr. José Joaquín Gori; Mr. Fernando Volio Jiménez  
Dated: 27 May 1977  
Citation: "Ache" Indians v. Para., Case 1802, Inter-Am. C.H.R., OEA/Ser.L/V/II.43,  
doc. 21, corr. 1 (1977)

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## WHEREAS:

[1] In a communication dated March 1, 1974, the persecution of the "Ache" Tribe of Paraguay was denounced, along with the murder of a number of Indians, the sale of children, the withholding of medical attention and medicines during epidemics, mistreatment and torture, inhuman working conditions, and acts aimed at destroying their culture;

[2] Through notes dated April 8, June 3, and December 17, 1974, the Commission requested that the Government of Paraguay provide the information with regard to this denunciation;

[3] The Government of Paraguay never replied to this request;

[4] At its 35th session (May 1975) the Commission adopted a decision on this case whereby it provisionally accepted the conclusion 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." It also provisionally accepted the preliminary conclusion that "since September 1972 the administration of the Guayaki National Settlement has been engaged in humanitarian efforts." However, on the other hand, it expressed its concern as to the status of Ache children and the working conditions under which a number of individuals from that tribe have labored;

[5] It concluded its decision by repeating to the Government of Paraguay the request for information cited above. This decision was carried out through a note dated August 18, 1975, which drew no reply from the Government of Paraguay either, and

[6] Article 51.1 of the Regulations of the Commission provide the following:

1. The occurrence of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 180 days of the request, provided always that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. In application of Article 51.1 of the Regulations, to presume the occurrence of the events denounced to be confirmed;

2. To point out to the Government of Paraguay that such acts constitute very serious violations of the right to life, liberty, and personal security (Article I of the American Declaration of the Rights and Duties of Man); of the right to a family and to the protection thereof (Article VI); of the right to preservation of health and to well-being (Article XI); of the right to work and to fair remuneration (Article XIV), and of the right to leisure time and to the use thereof (Article XV).

3. To recommend to the Government of Paraguay that it adopt vigorous measures to provide effective protection for the rights of the Ache tribe.

4. To recommend that the Government punish, in accordance with Paraguayan law, those responsible for the events denounced.

5. To request the Government to advise the Commission of the measures adopted to carry out this resolution, within a period of sixty days.

6. To forward this resolution to the Government of Paraguay and to the claimants.

7. To include this resolution in its Annual Report to the General Assembly of the Organization (Article 9 (bis), c, iii of the Statute).

Adopted at the 539th meeting, May 27, 1977 (41st Session) and forwarded to the Government of Paraguay on May 27, 1977.