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Institution: Inter-American Commission on Human Rights
File Number(s): Petition 12.313
Title/Style of Cause: Yakye Axa Indigenous Community v. Paraguay
Doc. Type: Decision on Precautionary Measures
Dated: 26 September 2001
Citation: Yakye Axa Indigenous Community v. Paraguay, Petition 12.313, Inter-Am. C.H.R., OEA/Ser./L/V/II.114, doc. 5 rev., Ch. III, para. 49 (2001)

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49. On September 26, the Commission requested the adoption of precautionary measures in connection with petition 12.313, on behalf of the Yakye Axa Indigenous Community, to prevent irreparable harm to its members. For more than four years, the Yakye Axa indigenous community have been occupying a strip of land along the Concepción to Pozo Colorado highway opposite the lands they claim as part of their traditional habitat. They are in an extremely needy situation, because of their inadequate access to food supplies and health care. On August 29, 2001, Mr. Ramón Martínez Caimén, a criminal judge in the Concepción judicial district, ordered the homes located on the Pozo Colorado to Concepción highway belonging to and serving as the dwellings of the Yakye Axa indigenous community to be removed. In light of the information received, the Commission requested the following measures: (1) To suspend the enforcement of any court or administrative order involving the eviction and/or removal of the homes of the Yakye Axa indigenous community and of its members. (2) To refrain from all other actions and undertakings affecting the right to property, free transit, and residence of the Yakye Axa indigenous community and its members. (3) To take all steps necessary to ensure the life and physical, mental, and moral integrity of the members of the Yakye Axa indigenous community. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.