

Press Release 61/2024 English

## **THE INTER-AMERICAN COURT OF HUMAN RIGHTS CONDUCTED AN ON-SITE VISIT TO THREE INDIGENOUS COMMUNITIES IN PARAGUAY**



*San José, Costa Rica, September 23, 2024.* – A delegation from the Inter-American Court of Human Rights and its Secretariat visited Paraguay from September 16 to 20, 2024. During their stay, they performed three on-site visits to the Sawhoyamaxa, Yakye Axa and Xákmok Kásek Indigenous Communities in the Paraguayan Chaco. In Asunción, they held private hearings on monitoring compliance with judgment for these three cases and in the case of the “Juvenile Reeducation Institute.” In addition, an activity was held in Asunción to celebrate the 45<sup>th</sup> anniversary of the installation of the Court, and several protocol activities were also performed.

The Vice President of the Court, Judge Rodrigo Mudrovitsch, headed these activities, accompanied by the Deputy Registrar, Gabriela Pacheco Arias. From the Unit of Monitoring Compliance with Judgment, the Director a.i, Ana Lucía Aguirre, and attorney Paloma Núñez participated in the visit, accompanied by the Director of Communications and Press, Danniell Pinilla.

The I/A Court HR would like to thank Paraguay for its acceptance and collaboration to perform the on-site visits and hearings of monitoring compliance in its territory. Specifically, regarding the organization of the visit, it would like to recognize the support of the Vice President of the Republic and the Minister of Foreign Affairs, and the Human Rights departments of both institutions, as well as the President of the Judicial District of Concepción and the Ambassador of Paraguay in Costa Rica.

### **I. Visits to Monitor Compliance with Judgment**

For three days (from Tuesday 17 to Thursday 19 of September), the members of the Yakye Axa, Sawhoyamaxa and Xákmok Kásek Indigenous Communities, located in the President Hayes Department, in the Paraguayan Chaco, received the visit of the delegation of the Court and its Secretariat. The visits consisted of judicial steps to verify, on their land and directly, the level of compliance with the reparations ordered in the judgments of the Cases of the Yakye Axa, Sawhoyamaxa and Xákmok Kásek Indigenous Communities, issued in 2005, 2006 and 2010, respectively.

In the judgments in the three cases, the Court found that the State of Paraguay was responsible for the violation of the right to property of the members of those indigenous communities on their traditional lands, which also affected their cultural identity and their right to a life with dignity. In two cases the Court also found the State responsible for the violation of the right to life of certain members of the communities, mainly children, who died due to the lack of adequate prevention measures, including medical attention.

All on-site visits included the participation of male and female leaders and figures from each of the indigenous communities, as well as their legal representatives: CEJIL, Tierraviva and the inter-American public defenders: Vilma Martínez Paiva and Gisela Gauna Wirz.

The State's representatives consisted of a large delegation, including high-level authorities, State officials from 16 ministries and institutions involved in the execution of the reparation measures subject of the visit, including: the Office of the Vice President of the Republic, the Ministry of Foreign Affairs, the Indigenous Institute of Paraguay (INDI), the Ministry of Education and Sciences, the Ministry of Public Health and Welfare, the Ministry of Public Works and Communications, the Ministry of Urbanism, Housing and Habitat, the National Environmental Health Service, the National Electricity Administration (ANDE), the Attorney General's Office, the Ministry of Justice, the Ministry of Information Technology and Communication, the Ministry of the Interior, the Ombudsman's Office, the National Emergency Secretariat, and the Secretariat of Linguistic Policies.

An attorney who is an Advisor to the Executive Secretary of the Inter-American Commission also participated.

The Court has highlighted the importance for States to give their consent and collaboration to perform these types of procedures in their territory, which allow for a rapprochement of the victims with the authorities and public officials as well as a direct verification of the progress and challenges in the implementation of the measures. In addition, they enable greater participation by the victims, high authorities and officials in charge of implementing the reparation measures. Moreover, they facilitate direct dialog between the parties, which encourages the corresponding authorities to express concrete commitments to promptly comply with the reparations.

#### **a. On site visit in the Case of the Sawhoyamaxa Indigenous Community**



On September 17, in order to monitor compliance with the reparation measures regarding the formal delivery and title of ownership of the Community's ancestral lands and the provision of basic goods and services for the subsistence of its members, walkthroughs were performed of the Central Village and the two other villages into which the community is organized: Santa Eliza and 24 de Enero villages. Two of the schools (No. 6250 and 8209), water storage facilities, the recently built Family Health Unit and one of the homes delivered by the State to members of the Community through a housing program were visited. At these important places for the Community, education, access to water, health, housing, electricity and basic services were verified.

To watch a video summary of the visit please click [here](#).

#### **b. On site visit in the Case of the Yaky Axa Indigenous Community**



During the visit of September 18, the delegation visited the Community's alternative lands, different from the visit in 2017, during which they were unable to enter the lands due to lack of a road to access them. The goal of this visit was to verify compliance with the reparations regarding the formal delivery and title of ownership of the Community's alternative lands, construction of the access road to those lands, and the provision of basic goods and services for the subsistence of its members. Specifically, a walkthrough was done of the access road to the Community's alternative lands, as well as stops to receive information and clarifications.



Moreover, walkthroughs and verifications were conducted of a school (No. 14949), the construction works of a walk-in medical center, the water storage facilities of both Retiro Patria and Chico Kué, one of the first settlements in the Village where a few families remain, and one of the houses delivered by the State to Community members as part of a housing project. Education, access to water, health, housing, electricity and basic services were verified. Moreover, in Chico Kué they took the opportunity to greet an elderly couple who were among the first families to settle there.

To watch a video summary of the visit please click [here](#).

### **c. On site visit in the Case of the Xákmok Kásek Indigenous Community**



On September 19 the delegation of the Court arrived at the Xákmok Kásek Indigenous Community to monitor the measures regarding the return and title of ownership of 2,999 hectares pending delivery of the Community's ancestral land and the supply of goods and basic services for the subsistence of its members.

Walkthroughs and verifications were conducted of the recently built Family Health Unit, the mobile classroom, the construction works of a school (No. 11531) and one of the water storage facilities. At these important places for the Community, education, health, access to water, electricity and other basic services were verified.

To watch a video summary of the visit please click [here](#).

## **II. Hearings on Monitoring Compliance with Judgment**

On September 20, in Asunción, the Court held three private hearings on Monitoring Compliance with Judgment.

### **a. Private hearing in the Case of the Juvenile Reeducation Institute**

The hearing was held with the goal of receiving updated information from the State regarding compliance with the reparation measures: i) to prepare "in partnership with civil society... a short, medium and long-term State policy on the subject of juveniles in conflict with the law that is fully consistent with Paraguay's international commitments"; ii) to provide medical and psychological treatment

to the victims and their next of kin, and iii) to provide “vocational assistance” and a “special education program” for the victims. Moreover, the hearing had the goal of receiving the observations of the victims’ representatives and the opinion of the Inter-American Commission on Human Rights.



**b. Joint private hearing in the cases of Yakye Axa and Xákmok Kásek Indigenous Communities**

The hearing was intended to receive the conclusions of the parties following the on-site visits to both indigenous communities on September 18 and 19, and to receive supplementary information to that gathered during the procedures to monitor the reparation measures in their territories. It also sought to receive updated and detailed information from the State regarding the guarantee of non-repetition, ordered in the judgments in both cases, to adopt the legal, administrative and other measures necessary “to create an efficient system for claiming ancestral or traditional lands of the Indigenous Peoples that will enable the materialization of their right to property.” The observations of the leaders of each community present at the hearing and their conventional representatives regarding the information presented by the State and the opinion of the Inter-American Commission on Human Rights were received.





### **c. Private hearing in the Case of the Sawhoyamaxa Indigenous Community**

This hearing was conducted to receive the conclusions of the parties following the on-site visits to the indigenous community on September 17, and supplementary information to that gathered during the procedures to monitor the reparation measures in their territory. The observations of the community leaders present at the hearing and their conventional representatives regarding the information presented by the State and the opinion of the Inter-American Commission on Human Rights were received as well.



### **III. Celebration of the 45<sup>th</sup> Anniversary of the Installation of the I/A Court HR**



The I/A Court HR, along with the Supreme Court of Justice of Paraguay, held an event to commemorate the 45<sup>th</sup> anniversary of the installation of the Inter-American Court.

The opening remarks were given by: Luis María Benítez Riera, President of the Supreme Court of Justice of Paraguay; Víctor Verdú, Vice Minister of Foreign Affairs; and Judge Rodrigo Mudrovitsch, Vice President of the I/A Court HR.

Moreover, Diego Moreno Rodríguez, Judge elected for the I/A Court HR for the period from 2025-2030, gave the speech "The installation of the I/A Court HR, its first years and the transcendence of its work at the regional level." Rodrigo Villagra Carron, President of the board of directors of the NGO Terraviva, spoke of the contributions of the I/A Court HR to the protection of human rights in Paraguay.

The I/A Court HR's Training Center held training activities during the rest of the day.

To see a recording of the event please click [here](#).

#### **IV. Activities and Protocol Meetings**



The Vice President of the I/A Court HR, Rodrigo Mudrovitsch, had a protocol meeting with the Minister of Foreign Affairs, Rubén Ramírez Lezcano, who also held a reception for the Court's delegation at the Ministry of Foreign Affairs.

The Vice President of the I/A Court HR thanked the offer made by the President of the Republic of Paraguay last August during his visit to the seat of the Court in Costa Rica, when he invited the Court to hold a session in Paraguay in 2025 to celebrate 20 years since the first period of sessions outside of its seat.

On September 20, the Vice President, Judge Rodrigo Mudrovitsch, and Deputy Registrar, Gabriela Pacheco Arias, met with the Judges of the Supreme Court of Justice. The participants were: the President, Luis María Benítez Riera, the first and second Vice Presidents, Gustavo Santander Dans and Alberto Simón, as well as the judges César Diesel, Manuel Ramírez Candia, Eugenio Roló and Carolina Llanes. The Human Rights Director of the Supreme Court, Nury Montiel, was also present.

On that same Friday, the Vice President and the delegation of the Court met with the Attorney General of the Republic, Marco Aurelio González, and spoke about support and joint activities for training purposes.

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The Inter American Court of Human Rights would like to thank the support of the European Commission, which made this visit possible through the project "Improvement of the capacities of the Inter American Court of Human Rights, phase II".



This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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