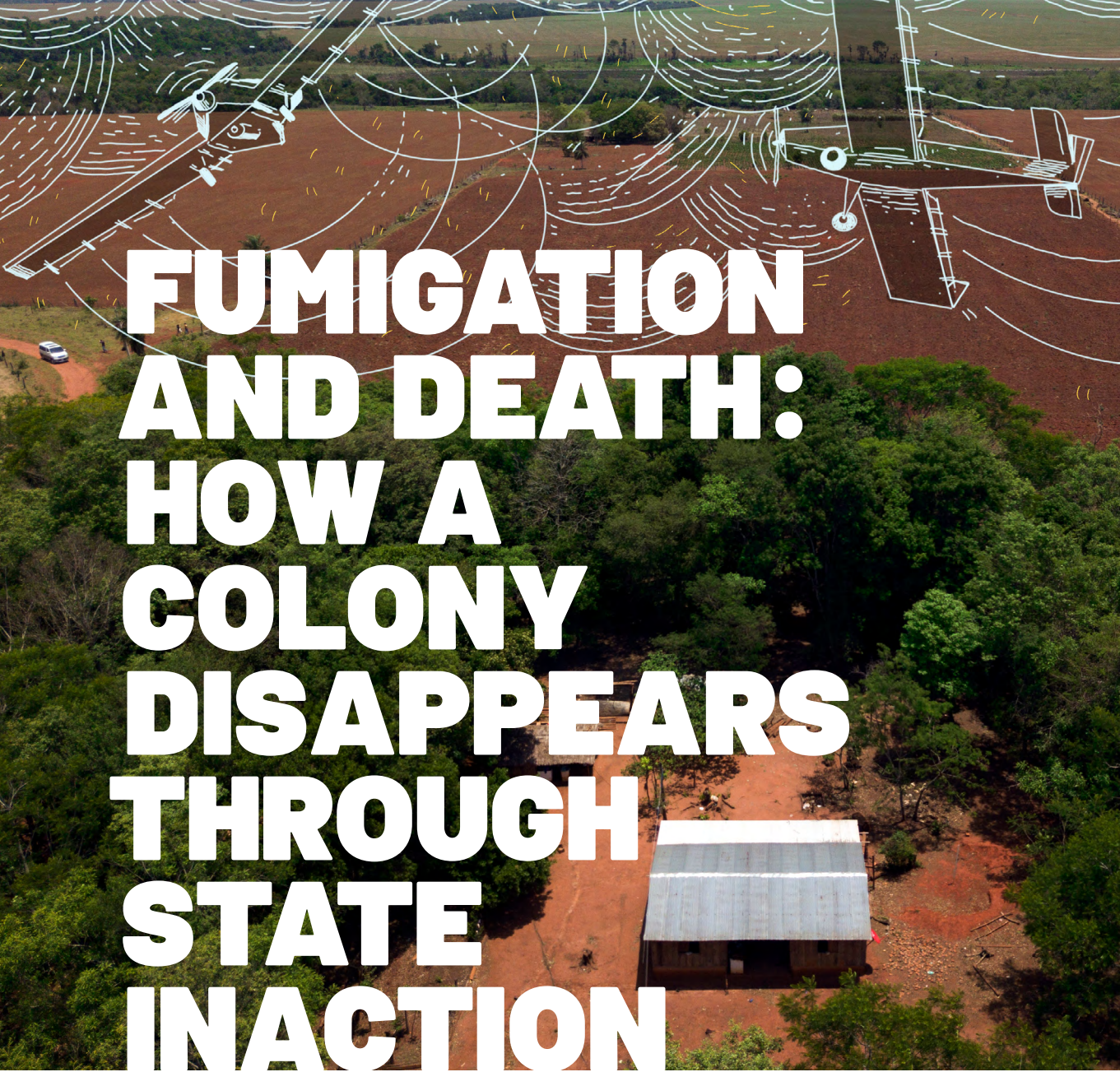
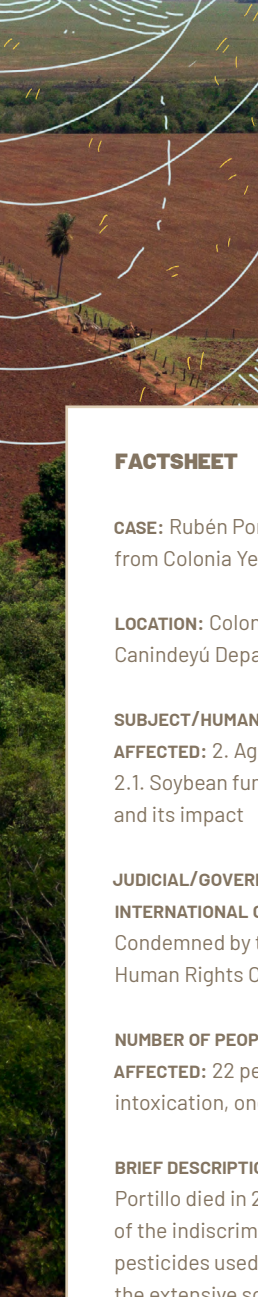




FUMIGATION AND DEATH: HOW A COLONY DISAPPEARS THROUGH STATE INACTION

O

ne morning, he turned pale, and felt very weak. It was three days since symptoms began: nausea, vomiting, diarrhea, general malaise, and skin lesions, a few days prior to others. He consulted the Colonia Yeruti health post, but not even his youth, only 26 years old was enough for him to survive, and he got worse. His sister rented a truck, put him on a mattress and took him to the Curuguaty Hospital, around 30 kilometers away. Rubén Portillo Cáceres died on the road in the January sun, a time when the spraying of soybeans from tractors and light aircraft was at its peak.



FACTSHEET

CASE: Rubén Portillo
from Colonia Yeruti

LOCATION: Colonia Yeruti,
Canindeyú Department

SUBJECT/HUMAN RIGHTS

AFFECTED: 2. Agribusiness,
2.1. Soybean fumigation
and its impact

JUDICIAL/GOVERNMENTAL/

INTERNATIONAL CASE STATUS:

Condemned by the UN
Human Rights Committee.

NUMBER OF PEOPLE

AFFECTED: 22 people due to
intoxication, one deceased.

BRIEF DESCRIPTION:

Rubén Portillo died in 2009 as a result of the indiscriminate use of pesticides used to fumigate the extensive soybean crops that surround Yeruti colony where affected person lived. The complaint made by the family did not come to fruition, and the case was brought before the UN Human Rights Committee. In August 2019, the Committee issued an opinion establishing responsibility of the State in relation to the death of Rubén Portillo. Until the presentation of this material, there were no advances in agreement, and the situation in the colony is worse than ever.

Rubén and his partner, Isabel, were working on the farm when they were hit by pesticides that were applied by a crop duster. That morning, Rubén had told his mother, Doña Hermenegilda Cáceres, that the poison was very strong, and that it was the reason why they left what they were doing; this is what the woman said in the documentary “Rubén Portillo: the death of a peasant”, released on December 3rd, 2020, the date on which the World Day for the Non-Use of Pesticides is remembered.

Rubén’s mother and her family still live in Yeruti, a peasant colony set up in 1991 by the then Instituto de Bienestar Rural [Rural Welfare Institute] today called INDERT, Instituto Nacional de Desarrollo Rural y de la Tierra [National Institute for Rural and Land Development]. The colony was established on 1,225 hectares that were returned to the Paraguayan State by Juan Emigdio Riveros, a senior official of the Ministry of Education during the Stroessner dictatorship, a time when State lands were illegally handed over to high-ranking officials and to those related to the government, the Report ‘Aggressions to the Right to Food, Situation in Peasant and Indigenous Communities’ details. The lawyer Hugo Valiente, who represented the family before international bodies, explained that despite establishing the colony, the State did not provide guarantees for the development of the community, leaving them without access to basic services, technical assistance for development, among other issues.

According to residents of the area such as Norma and Inocencia Portillo, Rubén's sister and cousin respectively, there were still many families that lived at Colonia Yeruti until 2011; they believe that about 400 people lived there. Today, no more than seven families remain, suffocated by the expansion of genetically modified monocultures, a business that has a direct impact on life.

Valiente says that the problem of monocultures is also suffered worldwide being progressive with climate change; he is concerned that because Paraguay is isolated from global discussions, for example, to the impact that current production models have and will have on our lives.

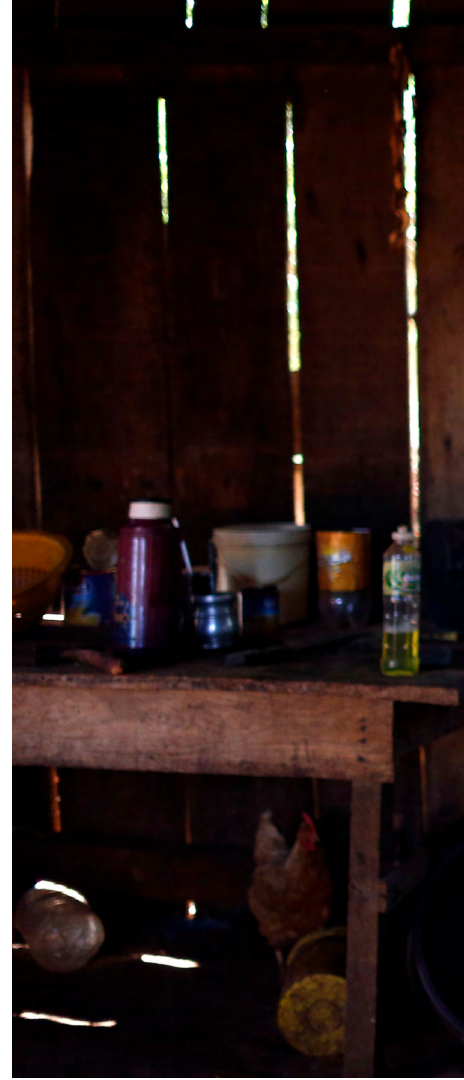
"The soybean producers initially entered the colony under pressure and for money. They began to buy the rights, or lots of the peasants which is prohibited by law that are destined for agrarian reform, which directly became large areas of soybean cultivations. So a community that once had a large population was decimated, and most of the lots that were previously occupied by peasant families, are used by soybean producers today," Valiente says.

The death of Rubén, and the intoxication of about twenty people due to the effects of pesticides, was criticized at the time by the director of the Curuguaty Hospital, Dr. Angie Duarte, and this initiated interventions started by the Ministry of Health and the Ministry of the Environment [Secretaría del Ambiente] (SEAM), and of the SENAVE, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas [National Service for Plant and Seed Quality and Health]. The report SEAM according to a newspaper article indicates that establishments intervened in the investigation were Cóndor Agrícola SA, and Hermanos Galhera Agrovalle del Sol SA. According to the document, none of the agricultural enterprises had an environmental license, and in the first one, there was faulty agrochemical containers. Neither establishment had either the regulatory anti-drift strips,

nor the reserve forests required by law.

A person who was part of the intervention team, and prefers anonymity fearing reprisals, commented that when they arrived in the community, they checked the water from wells, and from a stream that was nearby. The witness exhibits a photograph retained of the work with stream water having a pale whitish color.

"It was soybean, and more soybean without living barriers; it was soybean from where we looked. Rubén's house was surrounded by soybean, I will never forget the smell of poison went for a great distance upon arriving there; we entered, and the little stream that is near Rubén's house was whitish in color, and a sample was taken. At that time, Don Pablo Medina was alive, and he went to follow up, and right in front of the silo, a flight was taking off to fumigate, and that is forbidden to fumigate anytime; there must be weather conditions, humidity, wind ...," he recalls.





Valiente explains that in Paraguay, the regulations to mitigate the impact of these fumigations are very well defined: the speed of the wind, the level of humidity, and so on. However, nothing is respected. There is neither political will, nor institutional capacity, he concludes. Norma Portillo says that the same companies and people continue to operate with impunity in the area, that nothing has changed despite the enormous and sometimes lonely struggle she has waged since her brother's death.

The collection of water samples was key; residues of prohibited agrochemicals appeared in the final result, Aldrin, and Lindano among them, the latter one banned in Paraguay since 1993 in all its formulations and uses due to its high toxicity; as well as Endosulfan, with import and usage gradually banned by the end of 2010 until approximately two years later.

How was a highly toxic pesticide banned since the 1990s present in the water used by community members in 2011, almost twenty years later? Neither this, nor any other question was answered by the investigation that the Specialized Unit for Environmental Crimes was forced to initiate in response to complaints.

The Prosecutor's Office did not order the autopsy of Rubén Villalba's body; it did not call anyone to testify in the investigation; it has lost the medical report that contained all the medical records of the people who had arrived at the Curuguaty hospital with symptoms of intoxication, and also, it has lost the results of water tests of the area where the events occurred.

“Yeruti’s fiscal folder is a monument to ruthlessness, and certainly, to institutionalized corruption. The way in which the prosecutor in the case was dedicated to spoiling fundamental evidence is very illuminating of the will of the Public Ministry to prevent the facts from coming to light, and responsibilities ever being established,” Valiente says, considering that there are sufficient elements to suspect that the then prosecutor Miguel Ángel Rojas, under undue motivations, could have incurred in a deliberate negligence that would later earn Paraguay a lawsuit before the United Nations Human Rights Council since justice has never been done here.

In August 2019, the committee ruled that the Paraguayan government violated the rights to life, the inviolability of the home, and the right to access an effective judicial remedy in the Rubén Portillo case.

32 Abel Irala, lawyer and member of the organization Base Investigaciones Sociales [Social Research Base] which has extensively studied the effect of soybean on the rights of people in the countryside, pointed out that the problem posed by pesticides today transcends the borders of the rural area. Those who are affected are not only the people who are on their farms, but also the urban population which suffers from environmental and health problems derived from the expansion of a business model committed to expansion of monoculture.



Despite the sentence received by the Paraguayan State, no progress was made on the reparation agreement in more than a year after the sentence which involves enforcing the environmental and land laws that already exist to prevent cases such as that of Rubén’s, to be repeated.

Currently, the situation in Colonia Yeruti continues to be just as tenuous according to Norma Portillo. She says that they have recently closed the school, even though there are still school-aged children. “Everything continues being the same (...) They always continue with their fumigation work; they do their fumigation without compassion toward us. Everything remains the same. To me..., and I am seeking justice that has not yet arrive, and I have been waiting for a long time now (...). I have nowhere to go, I am still here,” she laments.

She mentions that if the government’s response does not arrive soon, and if the resources are obtained, they will gather and travel as far as Asunción, around 300 kilometers from Yeruti. The group will protest and demand that the Paraguayan State comply with what has been ruled on by the Committee of Human Rights of the United Nations.



"Remember me when this does not happen, specially coming from this man who is a descendant of nothing more and nothing less than a former secretary of Stroessner; remember me when it never happens. Unfortunately, we have to say he is an arrogant mita'i (child) who got on there; I say mita'i because he is not mature (...) because of the way he behaves, and the way he is managing our country is terrible," Inocencia sentences about the possibility of the reparation agreement moving forward during the government of Mario Abdo Benítez, son of one of the pillars of Alfredo Stroessner's military dictatorship.

For Valiente, what the State must do is nothing extraordinary, just enforce INDERT's law to recover the lots destined for peasant ownership, and the environmental laws which, as mentioned above, are clear, but are not complied with. "These people are demanding the recovery of the colony above all; they want to return to the colony to live as it used to be, with neighbors, and not surrounded by soybean," he expresses.

He says that the death of Rubén Portillo from Colonia Yeruti is an emblematic case as it is the first time that an international body condemns a state in the world for an environmental issue linked to the expansion of genetically modified crops, and due to the environmental, and rights consequences involving humans.

The history of Yeruti is pain and impunity, memory and resistance; it is past, present, and future. A future in which, if we continue on this path, more people could (we could) follow the fate of Rubén, and more people could disappear (we could disappear), like Colonia Yeruti.