



HUBER DURÉ, WHERE CROPS ARE WORTH MORE THAN LIFE

On July 21 Of 2014, three-year-old Adelaida Álvarez began to develop symptoms such as vomiting, a runny nose, breathing difficulties, and fever. At the same time, her 6-month-old little sister, Adela, was taken by her mother Fabiola Cabrera to the Curuguaty hospital of the Canindeyú Department with similar symptoms. The hospital is located 70 kilometers from the Huber Duré settlement where the girls lived.



FACTSHEET

CASE: Deaths and hospitalizations due to probable illegal fumigation.

LOCATION: Huber Duré settlement, Canindeyú department.

SUBJECT/HUMAN RIGHTS

AFFECTED: 2- Agribusiness / 2.1- Soybean fumigation and its impact.

JUDICIAL/GOVERNMENTAL STATUS

OF THE CASE: Tax investigation deserted after technical reports.

NUMBER OF PEOPLE

AFFECTED: 40 families.

BRIEF DESCRIPTION: In 2014, the girls Adela and Adelaida Álvarez died after presenting symptoms of pesticide poisoning. Another 40 people ended up hospitalized. The Paraguayan State is accused of not conducting an impartial investigation.

delaida Álvarez became a victim and passed away before receiving medical attention. The town's family health unit had neither the staff, nor the equipment as was later admitted by the then Minister of Health, Antonio Barrios (Ministerio de Salud Pública y Bienestar Social 2014) [Ministry of Public Health and Social Welfare 2014]), while her sister, Adela, died on July 22 at the Curuguaty Hospital where, according to his father Benito Álvarez, she was denied hospitalization on the grounds that her condition was misdiagnosed as mild.

The Huber Duré settlement, part of the FNC Federación Nacional Campesina [National Peasant Federation], where both girls were from is located in the Canindeyú Department, and approximately 300 families live there. In the week of the girls' death, Tomás Castillo, leader of the FNC and resident of the settlement, recounted that the community had contact with aerial spraying of pesticides from neighboring farms producing transgenic crops such as corn, wheat and soybean. Another 40 people from Huber Duré ended up being treated at the Curuguaty hospital in the same week of July 21. Twenty-two of them were hospitalized according to accounts of peasants that were recorded by the parliamentary, technical commission that visited the place as a result of the deaths. The community also announced that, after the girls were buried, 319 chickens, 43 cows, and 30 pigs died suddenly.

Castillo says that they made a complaint for possible environmental violations to the Public Ministry as a result of the fumigation and deaths of the girls as investigation was led by the prosecutor Benjamin Maricevich. Following the complaint, the Prosecutor's Office requested an autopsy of both girls. The final report by the coroner Pablo Lemir pronounced the cause of death as "asphyxia from respiratory failure due to bronchopneumopathy," and that the death of the cows was due to "bovine madness".

The forensic report, accepted by the Ministry of Health and the Public Ministry, is questioned by the community, and other specialists such as doctor and researcher Stela Benitez Leite, and the Dr. José Barreto, pathologist. Benitez Leite is the author of the study that concluded the existence of genetic damage in children exposed to fumigation in another rural community in the same department where Huber Duré is located (DNA damage induced by exposure to pesticides in children of rural areas in Paraguay, Indian Journal of Medical Research, 2019), and she criticizes that "the (autopsy) report was made with a macroscopy." That is, a description of the state of the organs was made and was described in the documentation of autopsy carried out by Lemir for

the Prosecutor's Office, with Dr. Benítez sought the opinion of her colleague José Barreto. After reading the report, Barreto's opinion is that "what the coroner did was to determine whether there was organophosphate poisoning (such as glyphosate) or not. Other potentially toxic compounds were not investigated. There is no report on histological studies. In other words, the possible existence of other agrochemicals such as paraquat, the second most widely used herbicide in Paraguay that is prohibited in the countries from which it is imported, was not sought. Nor was a microscopic analysis done on the girls' tissues." Dr. Barreto defined this absence as a "shameful". "Without the microscopic analysis, it is not enough to know if there was intoxication," according to Dr. Benítez who was part of the delegation of witnesses, specialists, members of social organizations, and senators who raised complaints in the community in 2014.



42 The speed with which the Minister of Health, Barrios, practically eliminated the possibility that it was an intoxication by pesticides is also criticized, doing it even before the results of the final report on the grounds that according to his counterpart from the Ministry of Agriculture, Jorge Gattini, "at this time of year... he told me that no fumigation is carried out because what can currently be planted is corn which is not soybean, and it is not the season." (Official statements on the website of the Ministry of Public Health and Social Welfare, 2014).

Although it is true that during the month of July there is no great soybean harvest, the transgenic corn harvest is carried out as part of rotating crops on the same land generally practiced in the mechanized agriculture of Paraguay. Also, until June, a soybean harvest is carried out on many occasions, a smaller-scale plantation that occurs between the crop rotation. And according to the technical cultivation guide produced by the Facultad de Ciencias Agrarias de la UNA [Faculty of Agrarian Sciences of the National University of Asunción¹] in 2019, transgenic corn uses glyphosate, the most widely used agrochemical in Paraguay, for which its producer and main exporter to Paraguay, Bayer/Monsanto, has about 125 thousand lawsuits around the world. The men and women farmers interviewed in Húber Duré talk about glyphosate, and they also speak about carbamates which are used for pests control.

Another organization that conducted an investigation is the SENAVE, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas [Plant and Seed Quality and Health National Service], the main public body responsible for compliance with Law No. 3742 on the control of phytosanitary products in Paraguay. Along with prosecutor Maricevich, SENAVE technicians visited the settlement. According to Benito Álvarez, Adela and Adelaida's father, "they did a raking gua'u (fake) search on the lands of the Brazilians (near Huber Duré's land). They did not check for fake poisons">> (sic). By <<false poisons>> he refers to agrochemicals used without a legal prescription required by the SENAVE.

1 National University of Asunción



The producers that were accused of illegal fumigation included Ulises Rodríguez Teixeira, Pío Ramírez, Marcelo Abente, and Basilio Ramírez. The SENAVE President, Regis Mereles, said there was no record of fumigating in the area which is not the same as saying there was no fumigation in the area. According to the phytosanitary law, aerial spraying is prohibited in areas close to human settlements, or when there are winds above 20 kilometers per hour due to the danger posed by dispersal. The declarations of Mereles are questioned since, before being head of the public entity, he chaired the APS, Asociación de Productores de Soja [Association of Soybean Producers] for which the National Peasant Federation suspects a conflict of interest. One of the producers accused of illegally fumigating, Pío Ramírez, was then head of the Asociación de Productores Agropecuarios de Canindeyú [Canindeyú Association of Agricultural Producers], part of the APS.

With the forensic and SENAVE reports, the Public Ministry did not deem it necessary to carry out additional investigations into the deaths. The relatives of Adela and Adelaida, and the National Peasant Federation, however, demand the reopening of the case, especially after the United Nations Human Rights Committee has ruled in 2019 against the Paraguay for failing to impartially investigate. In a similar case, the death of a young peasant under suspicion of being poisoned by agrochemicals in Colonia Yerutí in 2011, also in the Canindeyú department. “Paraguay is responsible for human rights violations in the context of massive fumigations with agrochemicals,” the judgement reads.

One of the difficulties encountered by peasant communities such as Huber Duré’s is the lack of data and criteria from the Ministry of Health which does not report how many cases of agrochemical poisoning reach hospitals, family health units, and health posts. According to Dr. Benitez Leite, “there is a ‘Notification Sheet for Acute Pesticide Poisoning’ from the ministry that is in the emergency services, but not all cases go to hospitals, except for serious ones, and for this reason, it is probable that there is an underreporting of intoxications that do not reach the different services.” The notification sheet is not publicized by the Ministry of Health, so today, it is up to the professionals to judge whether a patient has intoxication or not. Thus, the symptoms that were recorded as possible pesticide poisoning in the Yerutí case were not recognized as such in the Adela, and Adelaida’s cases despite their broad similarities. A persistent claim from organizations like the National Peasant Federation is to adopt a clearer protocol for reporting, announcing, and investigating the existence of suspected cases of pesticide poisoning.





Another problem is the virtual non-existence of scientific research on the possible effects of agrochemicals in Paraguay despite their widespread use by mechanized agriculture and the increasingly documented complaints of the misuse of agrochemicals such as glyphosate and paraquat, which are prohibited in the countries of origin. Due to conflicts of interests, agribusiness has no intention of supporting such studies, and after the publication of Dr. Benitez Leite's research which was financed by the government, representatives of the agribusiness, also acting as representatives in the public scientific body,² modified the project selection mechanism so that the biased criterion prevails when deciding what research to support. Furthermore, there is a methodological problem: "We cannot do double-blind clinical trials because we cannot give poisons to one group, and not give it to another group, and then try to look for the effects, or results. The same thing happened with smoking." What corresponds, according to her, is carrying out epidemiological, and cohort studies to investigate the effects on human health and on biodiversity.

Six years after the death of the girls, their families, and other members of the Huber Duré settlement continue to complain of the presence of fumigation that openly violate the phytosanitary law, and dramatically affect animals, people, and crops in the community.

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² National Council of Science and Technology (CONACYT)