

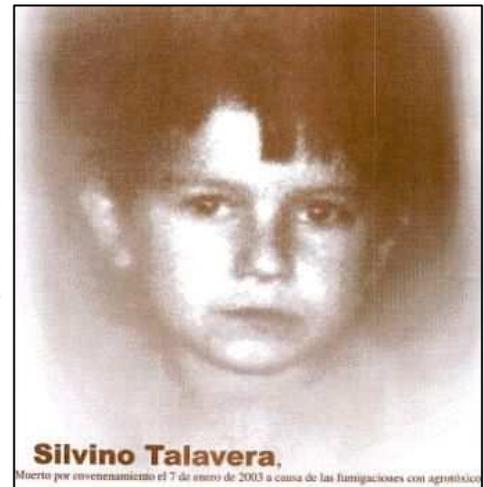
Deadly agrochemicals in soy production: the Talavera case

This case study narrates the case of the 11-year old Silvino Talavera Villasboa and his family in Paraguay, an example of the severe consequences of uncontrolled aerial application of pesticides in soy fields, the vulnerability of the local population and its fight for justice.

The death of Silvino Talavera

On January 2nd 2003, 11-year old Silvino cycled home through the soy fields that surrounded the village in the department of Itapúa (Southern Paraguay) where he lived. Soy producer Herman Schlender was fumigating his fields while Silvino passed and the boy was soaked with pesticides. It was a cocktail of agrottoxins which are being used to spray Roundup Ready soy (see box). The food Silvino was carrying had also been fumigated but as his family did not know, they prepared the food and they all ate it. A few hours later, the entire family got sick and suffered nausea, vomits and headaches. Silvino had to be hospitalised and was sent home four days later. That day another soy producer, Alfredo Laustenlager, was fumigating his field just 15 meters from Silvino's home and the wind carried the agrottoxins straight to his house. Silvino and three siblings, as well as twenty other neighbours had to be hospitalised. Silvino did not survive this second time and died on January 7th, 2003.

Sofia Talavera, the oldest sister of Silvino, gave birth in April 2006 to a child that was diagnosed with Hydrocephalia, a disease which causes the accumulation of excessive cephalorhachidian fluid in the brain. Studies show that this disease might be linked to the use of pesticides during the mother's pregnancy. After several operations Sofia's son Vidal Samuel Ocampos died that same year on September 11th.



Soy in Paraguay

Paraguay is the world's 6th producer and the 4th largest exporter of soy. Agricultural products account for 95% of the value of Paraguayan exports. Of the primary export commodities such as soybeans, cotton and wood, soy represents more than 50% of the country's sales abroad and 10% of its Gross National Product. The biggest importers in the EU are the Netherlands, Spain and Germany.

The expansion of the soy monoculture has caused a threefold increase in the import of agrottoxins in Paraguay over the past years. In 2005, the amount of agrottoxins used was 24 million liters. In Paraguay, agrottoxins currently represent a business of around € 120 million annually, with an additional € 35 million that is illegally imported by smuggling of agrochemicals from Brazil. Fumigation with agrochemicals can contaminate air and water, can destroy food crops, kill animals and cause severe health problems, which might even lead to the loss of human lives.

Fumigations mostly take place with Roundup, the brand name of an herbicide produced by the U.S. company Monsanto which contains the active ingredient glyphosate. It is the most used herbicide in the world, and the top-selling agrochemical of all time. Monsanto also produces genetically engineered Roundup Ready soy seeds that are tolerant to glyphosate.

Years of legal struggle

The Talavera family is very poor, and only with the support of the National Coordination of Organizations of Indigenous and Rural Workers' Women (CONAMURI) Silvino's mother Petrona was able to start a court case in 2003 to try and get justice for the murder of her son and the poisoning of her entire family. National and international pressure has also been indispensable to ensure that the case would not be lost.

In April 2004, both soy producers were sentenced to jail for two years. This sentence could be substituted by compensating the Talavera Villasboa family with around € 7,500. However the sentence was overruled after pressure from soy producers, agrochemical distributors and local politicians. A new trial was set for June 7th 2005, but was postponed once again after pressure from the same lobby. Before the second trial Petrona stated that her lawyer was offered around € 40,000 to quit the case.

This offer was refused and as a result, both soy producers were sentenced to two years imprisonment on June 30th 2005, without the option of substitution by compensation to the family. This second decision was again appealed. The Paraguayan Supreme Court declared an extraordinary cassation request by the defense lawyer of Alfredo Laustenlager and Herman Schlender inadmissible on the 29th of November. This meant the accused had to fulfill the sentence and go to jail for two years for causing general risks and homicide. The sentence was confirmed without suspension.

Two legal decisions were thus taken in three years and both declared the accused guilty. This marks a fundamental precedent, as it is the first case of legal action against intoxication and death caused by agrochemicals. The majority of intoxication cases occur in the silence of peasant communities who are surrounded by agrochemicals. Many of these communities do not have the possibility to seek justice due to the high costs of legal action. The legal bureaucracy is neither fast nor cheap for poor people.

Nevertheless, the convicted are not in jail as of December 2006. They presented another appeal for the suspension of the sentence and they promised to compensate the communities by providing a monthly food basket. On January 26th 2007, the judge of the Tribunal in Encarnación actually suspended the sentence and determined that the convicted did not have to go to jail but that they were obliged to take measures such as cleaning, reforestation, implement an Environmental Impact Assessment and report to the judge periodically.



Petrona, daughter Sofia with Vidal and son-in-law Antonio. Photo: Aseed

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Current situation

The last decision is unconstitutional as the sentence of the Supreme Court can only be suspended by the Tribunal and not by the judge of execution. The Talavera family, CONAMURI and the international community will continue their struggle for justice.

The Dutch Soy Coalition

The Dutch Soy Coalition brings together Dutch civil society organisations working in the fields of nature, environment and development. The coalition was founded in response to alerts by partner organisations in South America about the negative impacts of soy production and expansion. The Netherlands plays a central role in the soy sector as the second largest importer from South America and central distribution point for Western Europe. Therefore, the members of the Coalition see it as their responsibility to raise awareness with consumers and the media, and ask our government and companies to take steps to reduce the negative impacts of soy production and trade. Concrete suggestions of steps to be taken by companies and the government can be found in our publication "Big business, big responsibility: Addressing the social and environmental impact of the soy value chain", which is available through our website in English, Dutch, Spanish and Portuguese.

The factsheet and case study series has been developed to stress the urgency of the problems and the need to take action. They feature specific cases of social or environmental problems in particular soy producing countries. Should you wish to get in touch with the Dutch Soy Coalition or receive more background information on the issues, please contact the secretariat of the DSC at nsc@bothends.org or refer to our website <http://commodityplatform.org/wp>. An overview of the sources used for this case study is available on the DSC website ('Links and Documents' section).