

# URGENT ACTION

## INDIGENOUS LAND AT RISK IN PARAGUAY

**Ancestral land claimed by the Sawhoyamaxa indigenous community is at risk of being seriously damaged by illegal logging. The community is forced to live in deplorable conditions alongside a main highway because their land is in hands of private owners.**

According to the community, the logging has been taking place inside a portion of the ancestral land they've been claiming for many years and which is owned by two businesses represented by a single individual. The community argues that the deforestation has been happening for many months despite a judicial order prohibiting development (*medida de no innovar*) over the piece of land claimed. Video footage taken by the community in May shows the damage after the intense logging. The Environmental Prosecutor's Office (*Fiscalía de Medio Ambiente*) is investigating a possible environmental crime. The Paraguayan Institute for the Indigenous People (*Instituto Paraguayo del Indígena-INDI*) and the Public Ministry gathered some evidence of the deforestation late May. However, the Sawhoyamaxa have complained that the removal of ancient pieces of wood (*postes de madera*) is still happening.

For over two decades, the Sawhoyamaxa have fought a legal battle to return to a portion of their ancestral in an area on the eastern edge of the Chaco region. The area claimed is a plot of about 14,400 hectares. In 2006 the Inter American Court of Human Rights ordered Paraguay to return the ancestral land to the community. However it was not until September 2011 when an initial agreement signed by Paraguayan authorities, the two businesses and Sawhoyamaxa indigenous community leaders laid the groundwork for the restitution of the community's ancestral land. Since then, despite some attempts to reach a land deal, this has still not been finalised. The Sawhoyamaxa are seriously concerned at the persistent delays and are calling on the President to intervene to secure a final agreement and to make sure that Paraguay complies with the Inter American Court ruling. Denied access to their land, the Sawhoyamaxa have been unable to sustain their traditional activities which are essential for their survival. If the land is damaged it will be even more difficult for them to continue with their way of life.

### Please write immediately in <preferred language> or your own language:

- Calling on the authorities to take all necessary steps for the logging inside the Sawhoyamaxa's ancestral land to stop immediately and for the community to be compensated for any damage caused.
- Calling on the President of Paraguay to intervene as a matter of urgency to secure a land deal without more delays so the Sawhoyamaxa indigenous community can return to their ancestral territory as ordered by Inter American Court of Human Rights in 2006.

### PLEASE SEND APPEALS BEFORE 18 JULY 2012 TO:

President  
Don Fernando Lugo  
Presidente Constitucional de la  
República del Paraguay  
Palacio de López-El Paraguayo  
Independiente , CP 1220-Asunción,  
Paraguay  
Fax: +595 21 414 0201  
**Salutation: Dear President /  
Excelentísimo Sr. Presidente**

Procurator General of Paraguay  
Dr. José Enrique García Avalos  
Procurador General de la Republica  
de Paraguay  
José Berges 1007 c/Perú  
Asunción, Paraguay  
Fax: +595 21 212 220  
**Salutation: Dear Procurator  
General/ Estimado Procurador  
General**

**And copies to:**  
Sawhoyamaxa indigenous  
community (through NGO Tierraviva)  
Manuel Domínguez N° 1073 e/  
EEUU y Brasil  
**Asunción, Paraguay**

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Since the 1990s around 100 families of the Sawhoyamaxa community, of the Enxet ethnic group, have been living alongside the Pozo Colorado-Concepción road. They are demanding the right to live on their ancestral land, which today is in the hands of a private owner. As a result of the failure of the Paraguayan state to resolve their land claims, and with the help of an NGO that is supporting their claims, Tierraviva, the Sawhoyamaxa community took the cases to the Inter-American Commission on Human Rights, and subsequently to the Inter-American Court on Human Rights. The Court found violations of their rights to fair trial and judicial protection, to property and to life. The judgement from the Inter American Court obliged the Paraguayan authorities to return the ancestral lands to the communities within a period of three years. This period ran out on 19 May 2009.

In February 2012 a land deal was finalized between Paraguayan authorities and a land owner that will allow another long-displaced indigenous community of the Enxet ethnic group, the Yakye Axa, to return to their land. In 2005 the Inter-American Court of Human Rights ordered Paraguay to restore the Yakye Axa's lands in 2005. As well as the Sawhoyamaxa, the Yakye Axa indigenous community have fought a legal battle to return to their ancestral lands while around 90 families were forced to live in destitute conditions alongside a nearby highway. After the agreement the Yakye Axa hope to be able to move to their land shortly.

Name: Sawhoyamaxa Indigenous community

Gender m/f: both

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