

AMNESTY INTERNATIONAL

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Amnesty International is concerned about current legal proceedings against human rights defenders in Paraguay

Amnesty International is concerned about current legal proceedings against four members of Iniciativa Amotocodie, a non-governmental organization (NGO) working to protect the rights of uncontacted Ayoreo Indigenous groups living in the Paraguayan Chaco in what appears to be a reprisal for their work as human rights defenders.

The four, due to appear in court this Friday 22 July, face charges of “breach of trust” (art. 192 Penal Code) a crime (hecho punible contra el patrimonio) against their own organization’s property and could be sentenced to up to 5 years’ imprisonment. As an alternative measure to preventive detention, the public prosecutor is also requesting that they be banned from contacting other members of the organization and from going to their offices.

Investigations into the organization started after they publicly declared their opposition to a scientific expedition called “Dry Chaco 2010” on the grounds that it could harm the rights of uncontacted Indigenous Peoples. The expedition was suspended by the Paraguayan Government on 12 November 2010. Amnesty International is concerned that the investigations and legal proceedings against the organization and these four individuals in particular could be in reprisal for the concerns they raised regarding this expedition.

The initial investigations into Iniciativa Amotocodie were in relation to the “false reporting of a punishable offence” [“simulación de un hecho punible”] (Art. 291 of the Penal Code), based on a complaint of a group of 16 leaders and members of Ayoreo communities during a meeting organized by the Public Prosecution Service’s own Department of Ethnic Rights, supposedly in order to “inform” the Unión de Nativos Ayoreo de Paraguay, Union of Ayoreo Natives of Paraguay, of the scientific expedition. During the meeting, a complaint was reportedly made that the organization had put pressure on other Ayoreo leaders and representatives and tricked them into signing a document opposing the presence of the scientists. Iniciativa Amotocodie have denied the allegation.

However, when a search warrant of the organization’s office was issued, it contained two punishable offences - “breach of trust” (art. 192) and “failure to report a punishable offence” (art. 240) – which were not included in the document that opened the investigation. The offices of the NGO were raided on 1 December 2010, without prior warning and staff only discovered a raid was taking place when they arrived an hour later.

According to the United Nations Declaration on Human Rights Defenders, adopted in 1998, governments have a duty to recognize and support the crucial work carried out by human rights defenders and to ensure that they can carry out such work without fear of reprisals or threats

Additional information

The “Dry Chaco 2010” project was organized by the Natural History Museum of the United Kingdom in conjunction with the Paraguayan Government (the Ministry of the Environment) and Paraguayan NGO Guyra Paraguay. In September, the Paraguayan authorities publicly

announced the expedition for the first time, even though the planning of the project had been going on for over a year. Following the complaints received, the expedition was suspended.

The Paraguayan Chaco is inhabited by various Indigenous Peoples, some of them uncontacted. The State has a duty to consult Indigenous Peoples about any project that might affect them. Guidelines to protect Indigenous Peoples in isolation or in initial contact have been drafted by the United Nations High Commission for Human Rights, in conjunction with State representatives, Indigenous organizations and other actors, and should be used as a guide by the Paraguayan State when conducting prior consultations with such groups.

Iniciativa Amotocodie held an extraordinary meeting on 24 June 2011, where a declaration was signed in support of the 4 members currently under investigation and asking for the return of all the material confiscated during the December 2010 raid.