

URGENT ACTION

RETURN OF INDIGENOUS LAND STILL PENDING

The Paraguayan indigenous community Sawhoyamaxa are unable to sustain their traditional activities, essential for their survival. While negotiations have reopened, effective action by the authorities is needed to ensure they can return to their traditional land. The community is still living in destitute conditions alongside a nearby highway.

On 11 October hundreds of members of the Indigenous Leaders from Bajo Chaco Network (*Coordinadora de Líderes Indígenas del Bajo Chaco*) blocked road access to the Chaco region. They were protesting at the local authority's lack of compliance with the 2006 Inter-American Court Human of Rights decision ordering Paraguay to restore traditional lands to the **Sawhoyamaxa indigenous community**. According to the community, negotiations between the government and the landowner started again in late November as a result of the protests. The community state that they have been told that the landowner has been offered alternative lands. Despite welcoming continued negotiations, the Sawhoyamaxa remain concerned about a lack of clarity regarding the terms of the negotiations and the fact that they have not been given a proper timeframe. The General Prosecutor's Office (*Procuraduría General de la República*) is in charge of coordinating the negotiations.

For over two decades the Sawhoyamaxa have fought a legal battle to return to a portion of their ancestral land, a plot of about 14,400 hectares, in an area on the eastern side of the Chaco region. In September 2011 an initial agreement was made by the Paraguayan authorities, the owner of the land and Sawhoyamaxa indigenous community leaders. This laid the groundwork for the restitution of the community's ancestral land. However, in June 2012 these negotiations stopped completely after new authorities took office as a result of an impeachment to former president Fernando Lugo.

Please write immediately in Spanish or your own language:

- Calling on the General Prosecutor to take immediate and concrete steps to ensure an agreement is reached with the current owner of the Sawhoyamaxa's ancestral land by the end of the year;
- Calling on the General Prosecutor to keep the community informed, to ensure the full participation of the Sawhoyamaxa indigenous community in all plans around the compliance of the Inter American Court of Human Rights judgment and to obtain their free, prior and informed consent before implementation.

PLEASE SEND APPEALS BEFORE 17 JANUARY 2013 TO:

Attorney General of Paraguay

Don Pedro Rafael Valiente Lara
Procurador General de la Republica de Paraguay
José Berges 1007 c/Perú
Asunción, Paraguay
Fax: +595 21 212 220 (keep trying)
Email: pg.pedrovaliente@pgr.gov.py
**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. This is the second update of UA 162/12. Further information: <http://amnesty.org/en/library/info/AMR45/001/2012/en> and <http://www.amnesty.org/en/library/info/AMR45/006/2012/en>

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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 case 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 ended on 19 May 2009. An Inter Institutional Commission for the Compliance with the International Judgements (*Comisión Interinstitucional para el Cumplimiento de las Sentencias Internacionales*, CICSI) is supposed to coordinate the State compliance with international judgments. On 19 June 2012 the Paraguayan Supreme Court requested information from the government about the measures carried out to comply with the Inter American Court order.

There are pictures on ADAM located here:

<https://adam.amnesty.org/asset-bank/action/viewAsset?id=165655>

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Name: Sawhoyamaxa Indigenous community

Gender m/f: both

Further information on 162/12 Index: AMR 45/007/2012 Issue Date: 7 December 2012