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Paraguay: Public Hearing of the Inter-American Court of Human Rights in La Paz: the Paraguayan State must prove its commitment to Indigenous Peoples

Tomorrow, 15 July, in La Paz, Bolivia, the Inter-American Court of Human Rights will examine the actions taken by the Paraguayan State in order to comply with the Court's 2006 ruling in the case of *Sawhoyamaxa vs. Paraguay*. This is the second time the Court has called upon Paraguay to account for its actions in this regard.

In a public hearing, the Paraguayan State will need to justify why, despite the deadline set by the Court for the return of their lands having expired on 19 May, the Sawhoyamaxa community is still living on a narrow strip of land on the roadside between Pozo Colorado and Concepción. Their ancestral lands remain in the hands of private land owners.

The Paraguayan State will also need to show what action it has taken to comply with the other measures stipulated in the Court's ruling such as, for example, providing regular food, drinking water and medical assistance to the community, interim measures that the State was required to fulfil until the community's lands were returned.

Amnesty International is extremely concerned that, three years on from the Court's decision, Paraguay has still not completed the necessary actions for the return of the Sawhoyamaxa community's ancestral lands. The organisation also believes that the temporary measures ordered by the Court have not been fully or properly implemented.

By failing to comply with a final ruling of an international body, the Paraguayan State is maintaining the 400 to 500 men, women and children that make up the community in a life of misery. Access to their traditional lands and use and enjoyment of the natural resources found therein is crucial to the survival of Indigenous Peoples. Six community members have died of preventable illnesses in recent months, including four children under the age of two.

Failure to comply with binding rulings issued by the Court sends an image to the outside world that Paraguay is uninterested in protecting human rights and incapable of respecting its national and international commitments. In contrast, full compliance with the ruling on the part of the three state powers would send a powerful message to the country and to the international community that Paraguay is seeking an end to the repeated violations of Indigenous Peoples' rights that were permitted in the past.

Amnesty International hopes that Paraguay will take the opportunity of this hearing to provide public evidence of its desire to comply with the ruling, placing concrete plans on the table that will ensure that the Inter-American Court's ruling is fully implemented, thus ensuring the survival of the Sawhoyamaxa community.

Additional information

The Sawhoyamaxa belong to the Southern Lengua or Enxet and Northern Lengua or Enhlet peoples. They are currently living in two settlements a few kilometres from Concepción: Kilómetro 16 and Santa Elisa. They have been claiming their traditional lands, via existing legal mechanisms, since 1991.

In addition to the ruling in the *Sawhoyamaxa Case (Case of the Sawhoyamaxa Indigenous Community vs. Paraguay)*, there is another ruling of the Inter-American Court of Human Rights with regard to the human rights of Indigenous Peoples in this country (*Case of the Yakye Axa Indigenous Community vs. Paraguay*). In this case, the Yakye Axa community is awaiting approval of an expropriation bill currently under

discussion in the Senate. This legislation anticipates the return of their traditional lands, more than one year after the deadline set by the Inter-American Court expired. END/