

URGENT ACTION

SURVIVAL OF INDIGENOUS COMMUNITY AT RISK

There are increased concerns for the survival of the Sawhoyamaxa indigenous community in Paraguay as negotiations with the authorities to ensure they can return to their ancestral land have stopped. The community has been forced to live in deplorable conditions alongside a main highway for many years because their land is in hands of private owners.

In September 2011, an initial agreement signed by the Paraguayan authorities, two private businesses who own the land and Sawhoyamaxa indigenous community leaders laid the groundwork for the restitution of the community's ancestral land. Negotiations were led by the Paraguayan Institute for the Indigenous People (Instituto Paraguayo del Indigena- INDI). However, despite some attempts to reach a land deal, negotiations stopped completely in June 2012 after new authorities took office as a result of an impeachment to former president Fernando Lugo.

After more than 20 years of struggle, these negotiations represented the first tangible attempt by the authorities to comply with the Inter-American Court judgement which in 2006 ordered Paraguay to reinstate the traditional land to the Sawhoyamaxa indigenous community. However since June, no concrete step has been made by the INDI or any other authority in the government to restart the negotiations.

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 side of the Chaco region. The area claimed is a plot of about 14,400 hectares. The Sawhoyamaxa have been unable to sustain their traditional activities which are essential for their survival, and have been forced to live in destitute conditions alongside a nearby highway. The community has also been fighting against the deforestation of their lands. The community filed a claim for illegal logging in May. According to information received, the logging inside their ancestral lands would have stopped. However, there is no information on the state of the official complaint before the Environmental Prosecutor's Office (*Fiscalía de Medio Ambiente*).

Please write immediately in Spanish or your own language:

- Calling on the authorities to take immediate, concrete steps to restart negotiations with the current owners of Sawhoyamaxa's ancestral land to ensure the restitution of the traditional lands to the indigenous community;
- Calling on the authorities to ensure the full participation of the Sawhoyamaxa indigenous community and their legal representatives in all plans around the compliance of the Inter American Human Rights judgment and to obtain their free, prior and informed consent before implementation.

PLEASE SEND APPEALS BEFORE 7 NOVEMBER TO:

President

Don Federico Franco
 Presidente de la Republica de Paraguay
 Palacio de López-El Paraguay
 Independiente, CP 1220-Asunción,
 Paraguay

Fax: +595 21 414 0201 (keep trying)

**Salutation: Dear President /
 Excelentísimo Sr. Presidente**

Procurator General of Paraguay

Don Pedro Valiente
 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 Nº 1073 e/ EEUU y
 Brasil
 Asunción, Paraguay

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 162/12. Further information:

<http://amnesty.org/en/library/info/AMR45/001/2012/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 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. According to information received, the Inter Institutional Commission for the Compliance with the International Judgements (Comisión Interinstitucional para el Cumplimiento de las Sentencias Internacionales, CICSÍ) which is supposed to coordinate the State compliance with international judgments, hasn't proven to be effective in securing the traditional land to indigenous community in line with the international Court's order. On 19 June 2012 the Paraguayan Supreme Court requested the government about the measures carried out to comply with the Inter American Court order.

Name: Sawhoyamaxa Indigenous community

Gender m/f: both

Further information on UA: 162/12 Index: AMR 45/006/2012 Issue Date: 26 September 2012