

# URGENT ACTION

## INDIGENOUS COMMUNITIES FACING EVICTION

**Five Indigenous communities in eastern Paraguay are in imminent danger of eviction from their ancestral lands: 150 families would be left homeless with no access to clean water or adequate medical care and land to cultivate**

The Ava Guarani communities of Loma Tajy, Ka'aguy Poty, Ka'aty Min, ka'agay Roky and Formosa, from Itakyry district, in the department of Alto Parana, are the subject of an eviction order that will take effect on 6 November. It will force them off their ancestral land, which they have inhabited for generations, where their children have a school, there is a health centre and they can cultivate their own food.

The communities have faced the threat of eviction before now, but the risk now is greater: the president of the Senate Human Rights Commission called on the Vice-minister of Interior to schedule the eviction of the indigenous communities for 6 November during a meeting (*audiencia*) with Brazilian landowners, representatives of the state body that oversees Indigenous Peoples' fights, and the communities' lawyers. The same Human Rights Commission recently voted against a bill that would have allowed the state to comply with a ruling of the Inter-American Court of Human Rights, by returning ancestral lands to another Indigenous group, the Yakye Axa.

### PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Calling on the authorities to halt the eviction of the Ava Guarani Indigenous People in Itakyry and guarantee their security on the land;
- Urging the authorities to fulfil their obligations under the International Labour Organisation's Convention 169, the UN Declaration on the Rights of Indigenous Peoples and relevant articles of the Paraguayan constitution on the rights of Indigenous Peoples;
- Urging the Procurator General and the President of the Senate to face up to its role and comply with two binding judgements of the Inter-American Court of Human Rights, which requires it to take legislative measures ensuring that *all* Indigenous Peoples are able to exercise their right to their traditional lands.

### PLEASE SEND APPEALS BEFORE 17 DECEMBER 2009 TO:

#### Procurator General of Paraguay

Dr. Jose Enrique Garcia Avalos  
Procurador General de la Republica de Paraguay  
Jose Berges 1007 c/Peru  
Asunción, Paraguay

**Fax: +595 21 212 220**

**Salutation : Dear Procurator General/  
Estimado Procurador General**

#### President of the Senate

Miguel Carrizosa Galiano  
Presidente de la Honorable Cámara de Senadores de la República del Paraguay  
14 de Mayo y Avda. República  
Asunción - Paraguay

**Fax: +595 21 414 5239**

**E-mail: mcarrizosa@senado.gov.py  
Salutation: Dear President of the  
Senate /Estimado Sr. Presidente de la  
Honorable Cámara de Senadores**

#### **And copies to:**

President of the Paraguayan Indigenous Institute  
Sra. Lida Acuña  
Presidenta  
Instituto Nacional del Indígena, INDI  
Don Bosco 745  
Asunción - Paraguay  
**Email: indi.gov.py@gmail.com**

**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

In 1996 and 1997 the Paraguayan Indigenous Institute, the state body that advises on protecting Indigenous Peoples' rights and processing land claims (*Instituto Paraguayo del Indigena*, INDI) acquired 2,638 hectares of the indigenous communities' ancestral land on their behalf. However, landowners have taken legal action against the five communities. It is understood that some landowners, who claim they have titles to the land, obtained the land under the dictatorship of General Stroessher (1954-1989), a time when landowners obtained title to a significant percentage of Paraguay's land by obscure or illegal means. The judiciary have issued preventive measures to protect the rights of the five communities.

Paraguay's Indigenous Peoples have been marginalised and subjected to systematic abuses for many years. The Paraguayan Constitution recognises the right of Indigenous Peoples to hold land for their communities, and requires the state to provide such lands to them free of charge.

However, Indigenous Peoples still face a series of serious violations of their human rights. In two separate judgments in 2005 and 2006 the Inter American Court of Human Rights ordered Paraguay to return the ancestral lands of the Indigenous Enxet communities of Yakye Axa and Sawhoyamaxa. The two communities have been forced to live alongside the Concepción to Pozo Colorado highway, in the Bajo Chaco region of Paraguay, for more than 15 years, as they have been kept off their ancestral lands by landowners. At least 30 members of the two communities have died since the Court's rulings, because of the inhuman conditions in which they are living. These rulings oblige Paraguay to take measures that will guarantee that all Indigenous Peoples in the country are able to exercise effectively their rights over their traditional lands.

President Lugo has repeatedly promised to make a clean break from the historical violations of Indigenous Peoples' rights through concerted government action against discrimination and in favour of their rights. However, most of the steps taken to date have focused on providing social assistance rather than addressing these crucial issues.

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