

URGENT ACTION

LAST STEP FOR INDIGENOUS LAND CLAIM

On 21 May the plenary of the Paraguayan Lower Chamber (*Cámara de Diputados*) passed legislation to return 14,404 hectares of traditional land to the Sawhoyamaxa Indigenous community. This is major victory for the community, who have been fighting for their land for over 20 years. The law now has to be enacted (*promulgada*) by the President of Paraguay.

After an intense and long debate, on 21 May the Lower Chamber gave the green light to a bill that will allow the State to expropriate the land and return it to the **Sawhoyamaxa Indigenous community** by paying the landowner compensation. The traditional land is vital for the survival of the community.

The vote in the Lower Chamber comes after the Senate also voted in favour of the bill on 24 April. This means that the process to secure the land has successfully finished in the Legislature. It is expected that the law will be sent to the President of Paraguay during this week. He can enact or veto the law within six days after receiving it.

The passing of the bill in the Paraguayan Congress has been an important and historical step towards the restitution of Sawhoyamaxa traditional land as ordered by the Inter-American Court of Human Rights in its 2006 judgement. By passing the law, the President of Paraguay now has the opportunity to send a strong message about the willingness of the Paraguayan State to respect and protect the rights of Indigenous Peoples.

Please write immediately in Spanish or your own language:

- Welcoming the decision of the Paraguayan Congress to pass legislation to return 14,404 hectares to the Sawhoyamaxa and call on the President of Paraguay to enact the law without delay to put an end to the human rights violations against the indigenous community;
- Reminding the President of Paraguay that by enacting the law Paraguay will not only comply with the Inter-American Court's judgment, but also will demonstrate the willingness of the State to overturn many years of discrimination and other human rights violations against Indigenous Peoples.

PLEASE SEND APPEALS BEFORE 8 JULY TO:

President of Paraguay

Sr. Horacio Manuel Cartes
 Presidente de la República del Paraguay
 Palacio de Gobierno,
 El Paraguayo Independiente entre O'Leary y Ayolas
 Asunción, Paraguay
 Fax: +595 21 414 02 01
 E-mail: secretariaprivada@presidencia.gov.py

Salutation: Dear President/Estimado Presidente

And copies to:

Sawhoyamaxa Indigenous community
 (via NGO Tierraviva)
 Manuel Domínguez N° 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 126/14. Further information:

<http://amnesty.org/en/library/info/AMR45/007/2014/en>

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ADDITIONAL INFORMATION

The Sawhoyamaxa Indigenous community have lived in harsh conditions on a narrow strip of land by the side of a busy road for over 20 years. In March 2013, after negotiations between the State and the private owner failed, the community decided to return to a portion of the land and continued their battle from there. The Sawoyamaxa is formed of 146 families and will not be able to have full rights over their land until this is formally returned to them, as required by the international judgement.

In 2006, the Inter-American Court of Human Rights ordered Paraguay to return the ancestral land to the Enxet Indigenous community Sawhoyamaxa. In its judgments, the Court found that the rights to judicial protection, the right to property and right to life of members of three communities had been violated. The Paraguayan state failed in May 2009 to meet a three-year deadline to return the traditional land to the community.

The Inter-American Court of Human Rights has ruled on three occasions that Paraguay has violated the rights of Indigenous Peoples with regards to their ancestral land. Paraguay is the only country in the Americas region against which the Court has issued three judgments of this kind.

Paraguay has ratified International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples and endorsed the UN Declaration on the Rights of Indigenous Peoples, which require recognition of Indigenous Peoples' rights to ancestral lands. In addition, the 1992 Constitution establishes Indigenous Peoples' right to hold communal property, and the state's responsibility to provide such lands free of charge.

For more information, please see further information on UA 95/14, <http://www.amnesty.org/en/library/info/AMR45/004/2014/en>.

Name: Sawhoyamaxa Indigenous community

Gender m/f: both

Further information on UA: 126/14 Index: AMR 45/008/2014 Issue Date: 27 May 2014