

# URGENT ACTION

## INDIGENOUS LEADERS RECEIVE DEATH THREATS

**On 5 September, two leaders of the Kelyenmagategma Indigenous community in Paraguay received death threats while accompanying an international delegation that was investigating their claim to their ancestral land.**

Two representatives from the Inter-American Commission of Human Rights were travelling to a place known as Puerto Colon, Department of Presidente Hayes, to verify the situation of the Indigenous community of Kelyenmagategma. The delegation also included three members of the NGO Tierraviva, which legally represents the community's land claims, and the Paraguayan representative of the Organisation of the American States. Two leaders of the Kelyenmagategma community were accompanying the delegation.

The Kelyenmagategma community settlement is located in the lands they are claiming as part of their ancestral territory; which are inside the property [*estancia*] of the El Algarrobal SA company. The delegation was not able to reach the community as they were stopped by workers of the company. Despite the two international representatives having been invited to Paraguay by the government, they were prevented from continuing to the community for approximately four hours. When the two leaders of the community asked the employees to allow the delegation through, they received death threats. The delegation eventually managed to reach the community settlement by going through another property.

The Kelyenmagategma belong to the Enxet ethnic group of Indigenous Peoples. The community live in cramped conditions on a very small settlement - less than three hectares - from which they cannot travel freely due to the harassment from people who claim to work for El Algarrobal. The community is forced to live in miserable conditions, with limited access to food, water, healthcare or education. Since 2000 they have been campaigning for their right to their land. They are claiming part of what they consider to be their traditional land, including the settlement in which they live. This right is recognized in Paraguay and international human rights law. The community has been subjected to threats, illegal evictions, violence and coercion for many years as a result of their struggle. They have lodged complaints with the authorities but they claim that no effective investigations have been carried out.

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

- Urging the authorities to take all necessary steps to ensure the safety of the Kelyenmagategma Indigenous community according to their wishes, and to carry out independent and impartial investigations into the threats and harassment against them, including the recent threats against the two leaders;
- Calling on the authorities to take all necessary measures to ensure that the community is not illegally evicted, its members are able to travel freely without fearing for their safety, and basic services are provided regularly.
- Reminding the authorities that international standards recognise the right of Indigenous Peoples to traditional land as this is crucial to their way of life.

### PLEASE SEND APPEALS BEFORE 22 OCTOBER 2010 TO:

Minister of Interior  
S.E Don Rafael Fillizola  
Ministro del Interior de Paraguay  
Chile y Manduvira  
Asunción-Paraguay

**Fax: +595 21 450 027**

**E- mail: [dggabinete@mdi.gov.py](mailto:dggabinete@mdi.gov.py);  
Salutation: Dear Minister of Interior/  
Estimado Ministro del Interior**

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**

### Copies to:

Tierraviva  
Manuel Domínguez N° 1073 e/ EEUU y Brasil

**Fax: + 595 21 202 039 / + 595 21 209 092/ + 595 982 344 034**

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In October 2000 the Kelyenmagategma community started legal proceedings in Paraguay for the restitution of part of their ancestral land. The community states that their traditional habitat comprises the settlement where they live, as well as the area where they carry out their traditional activities such as fishing and hunting, which are central to their way of life. This land is part of the area acquired by El Algarrobal in 2002. After the failure of the Paraguayan authorities to deal with the claim, the community took the case to the Inter-American Commission of Human Rights, with the support of the NGO Tierraviva. They claimed that their rights to life, to judicial protection, to humane treatment, to property and to privacy have been violated. In 2007 the Commission declared the petition admissible.

In 2003 and 2004 the community faced two illegal evictions. In the first instance the community claimed that the police, armed civilians and two prosecutors expelled them from their settlement without a judicial order for eviction. A year later, they were allegedly assaulted by employees of the company, which forced some of them to seek refuge in the mountains

In October 2004 the Inter-American Commission of Human Rights also ordered the adoption of precautionary measures to protect the safety of the community. Among other measures, the Commission ordered the Paraguayan authorities to protect the life and personal integrity of the members of the community, as well as ensure that the community can continue to live in their ancestral land without facing any act of coercion or threats until the bodies of the Inter-American system have taken a final decision on the matter. However, despite the precautionary measures, the community have continued to be exposed to threats and violence. They have lodged several complaints but they have said that no effective action has been taken by the authorities to ensure their security and survival and that the threats continued in 2005 and 2006. In 2009 community members lodged a criminal complaint after being subjected to further threats and coercion by armed civilians allegedly working for the company.

The extreme vulnerability facing the Kelyenmagategma because they do not have access to their traditional land is similar to other Indigenous communities in Paraguay. In 2005 and 2006 the Inter-American Court of Human Rights ordered Paraguay to return the traditional land claimed by the Yakye Axa and Sawhoyamaya indigenous communities. The deadlines given by the Court to Paraguay have long expired but the communities remain living alongside the Pozo Colorado-Concepción road because their traditional land is still in the hands of private owners. The communities live in deplorable conditions, reliant on irregular and insufficient supplies of food and water provided by the State because they are unable to access the sources of water and food that they would have at their disposal were they on their lands.

According to international human rights standards, the right to traditional lands is crucial to Indigenous Peoples as it is a vital element of their sense of identity, livelihood and way of life.

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