

# URGENT ACTION

## VITAL VOTE ON INDIGENOUS LAND CLAIM IMMINENT

**On 24 April the Paraguayan Senate votes on a bill to return 14,404 hectares of traditional land to the Sawhoyamaxa indigenous community. A positive result is crucial to ensure compliance with the 2006 judgment of the Inter-American Court of Human Rights.**

For over 20 years the **Sawhoyamaxa Indigenous community** have been fighting for the return of their traditional land, which is vital to their survival, in an area on the eastern side of the Chaco region. Negotiations between the government and the private owner ended during 2013 without results. Therefore in August 2013 the Paraguayan government sent a bill to Congress (*Congreso Nacional*) ordering the land to be expropriated. The process will allow the state to return the land to the community by paying the landowner compensation. The Senate plans to discuss and vote on the bill on 24 April. If passed it will signify a major step towards Paraguay's compliance with a legally binding judgement of the Inter-American Court of Human Rights. Two commissions in the Senate, the Treasury, Budgets and Accounts Commission and the Finance and Budget Commission (*Comisión de Cuentas y Control de la Administración Financiera del Estado y Comisión de Hacienda y Presupuesto*) have issued favourable opinions on the bill.

### Please write immediately in Spanish or your own language:

- ✓ Calling on the members of the Senate to pass the bill ordering land claimed by the Sawhoyamaxa be returned to the community to put an end to many years of discrimination and other human rights violations against them;
- ✓ Reminding members of the Senate that land claimed by the Sawhoyamaxa is essential for the survival of the community and that by passing this bill they would not only comply with the Inter-American Court's judgment, but also demonstrate their commitment to ensuring the rights of Indigenous Peoples.

### PLEASE SEND APPEALS BEFORE 03 JUNE 2014:

President of the Agrarian Reform and Rural Welfare Commission

Sr. Silvio Ovelar,

Email: [sovelar@senado.gov.py](mailto:sovelar@senado.gov.py)

President of the Finance and Budget Commission

Sr. Juan Darío Monges,

Email: [jmonges@senado.gov.py](mailto:jmonges@senado.gov.py)

President of the Control Accounts and Financial Management of the State

Sra. Blanca Lila Mignarro,

Email:

[blmignarro@senado.gov.py](mailto:blmignarro@senado.gov.py)

**Salutation: Dear President/ Estimado a Presidente**

Asociación Nacional Republicana

Partido Colorado (ANR A)

Sr. Luis Alberto Castiglioni

Email: [lcastiglioni@senado.gov.py](mailto:lcastiglioni@senado.gov.py)

Asociación Nacional Republicana

Partido Colorado (ANR B)

Sr. Enrique Bacchetta

Email: [ebachetta@senado.gov.py](mailto:ebachetta@senado.gov.py)

Avanza País,

Sr. Miguel Angel López Perito

Email:

[mlopezperito@senado.gov.py](mailto:mlopezperito@senado.gov.py)

Frente Guasu

Sr. Carlos Filizzola

Email: [cfilizzolla@senado.gov.py](mailto:cfilizzolla@senado.gov.py)

Partido Encuentro Nacional

Sr. Eduardo Petta

Email: [epetta@senado.gov.py](mailto:epetta@senado.gov.py)

**Salutation: Dear parliamentarian/ Estimado Senador**

Unión Nacional de Ciudadanos Ético

Sr. Jorge Oviedo Matto

E-mail [joviedo@senado.gov.py](mailto:joviedo@senado.gov.py)

Partido Demócrata Progresista (PDP)

Sra. Desiree Masi

E-mail: [dmasi@senado.gov.py](mailto:dmasi@senado.gov.py)

Partido Liberal Radical Auténtico

Sra. Blanca Fonseca

E-mail: [bfonseca@senado.gov.py](mailto:bfonseca@senado.gov.py)

**Salutation: Dear parliamentarian/ Estimada Senadora**

**All of the above are contactable by regular mail and fax at:**

[Title and name]

Honorable Cámara de Senadores

14 de Mayo e/ Avda. República

Asunción, Paraguay

Tel/fax +595 21 414 5000

**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

**AMNESTY  
INTERNATIONAL**



Please check with your section office if sending appeals after the above date.

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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. They are still dependent on irregular food and water supplies. 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 the 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.

After the voting in the Senate, the expropriation bill will have to be discussed and approved by the members of Chamber of Deputies (*Cámara de Diputados*). However, if passed in the Senate the Legislative will be sending a positive message towards the final approval of the bill.

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 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.

Name: Sawhoyamaxa indigenous community

Gender m/f: both

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