

URGENT ACTION



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Note: Please write on behalf of these persons even though you may not have received the original UA when issued on November 5, 2009. Thanks!

9 November 2009

Further Information on UA 300/09 (5 November 2009) – Fear for safety

PARAGUAY Five Indigenous Communities

Five Indigenous communities in Itakyry district, eastern Paraguay, are no longer facing imminent forced eviction from their ancestral lands. However, the Brazilian farmers who claim they own the land used an aeroplane to spray a toxic substance over the communities, resulting in more than 200 people needing medical treatment. The communities are at risk of further reprisals.

The Ava Guarani communities of Loma Tajy, Ka'aguy Poty, Ka'aty Min, Ka'agauy Roky and Formosa, had been facing eviction from the land they have inhabited for many years. Ownership of the land is being challenged by farmers from over the nearby border with Brazil, who use the land to grow soya. On 6 November, after a challenge made by the communities' lawyer, the eviction order was overturned. However, on the same day, around 50 men, allegedly representing the Brazilian farmers, tried to remove the Indigenous Peoples from their land. Members of the communities fired arrows at the men. It is understood that only a small number of local police were present. The communities prevented the men from gaining access to their land. However, later that day, a small aeroplane flew over the communities and sprayed what appeared to be pesticides normally used on soya crops over their homes.



Since this incident, the Minister of Public Health has reported that some 220 people have become ill, with symptoms including vomiting, fainting and breathing difficulties. At least seven people were taken to hospital. It has been reported that there were delays in sending ambulances to fetch those in need of medical care. The day after the spraying, representatives from several government ministries and the president of the Paraguayan Indigenous Institute (*Instituto Paraguayo del Indigena* (INDI) arrived to assess the damage to the area. According to press reports, clean drinking water has been supplied to the communities as their water supply was contaminated by the spraying. Serious concerns remain for the safety and the health of the Indigenous communities.

BACKGROUND 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 Ava Guarani indigenous communities' ancestral land on their behalf. However, landowners have taken legal action against the 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

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significant percentage of Paraguay's land by obscure or illegal means. The judiciary has issued preventive measures to protect the rights of the five communities.

Paraguay's Indigenous Peoples have been marginalized and subjected to systematic abuses for many years. The Paraguayan Constitution recognizes 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 Sawhoyamaya. 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 favor of their rights. However, most of the steps taken to date have focused on providing social assistance rather than addressing these crucial issues.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- Calling on the authorities to ensure the safety of the Ava Guarani Indigenous communities in Itakyry;
- Urging the authorities to ensure that effective medical assistance is supplied to the five Ava Guarani Indigenous communities in Itakyry affected by the fumigation of their ancestral land on 6 November;
- Calling for an investigation into the events leading up to and on 6 November;
- Reminding the authorities that 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 and urging them to fulfill their obligations under the International Labor Organization'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.

APPEALS TO:

Prosecutor General/Fiscal General

Dr. Rubén Candia Amarilla
Ministerio Público
Chile entre Rodriguez de Francia y Ygatymi,
Asunción, PARAGUAY
Fax: 011 595 21 454 6003
Email: ministro@ministeriopublico.gov.py
Salutation: Dear Prosecutor/Estimado Fiscal General

Public Health Minister

Dra. Esperanza Martínez
Ministra de Salud Pública y Bienestar Social
Ministerio de Salud Publica y Bienestar Social
Pettirosi Esq. Brasil
Asunción, PARAGUAY
Fax: 011 595 21 207 328
Salutation: Dear Minister/Estimada Ministra

Minister of Interior

S.E Don Rafael Fillizola
Ministro del Interior de Paraguay
Chile y Manduvira
Asunción, PARAGUAY
Fax: 011 595 21 450 027
Email: dggabinete@mdi.gov.py;
**Salutation: Dear Minister of Interior/
Estimado Ministro del Interior**

COPIES TO:

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Fax: 1 202 234 4508
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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 21 December 2009.