

URGENT ACTION

INDIGENOUS COMMUNITY AT RISK OF EVICTION

The Tekoha Sauce Indigenous community in Paraguay are, once again, at risk of eviction from their ancestral territory due to legal action being taken against them by the Itaipú Binational (Paraguay-Brazil) Hydroelectric Plant. Both international human rights standards and the Paraguayan Constitution protect Indigenous peoples from eviction from their ancestral territories without their free, prior and informed consent. We call on the President of Paraguay to ensure that this Indigenous community is protected from forced eviction.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mario Abdo Benítez

Presidente de la República

Presidencia de la República del Paraguay

Palacio de Gobierno, El Paraguayo Independiente entre O' leary y Ayolas, Asunción, Paraguay

Email: presidencia@presidencia.gov.py

Dear Mr. President,

I am writing in relation to the risk of forced eviction faced by the Tekoha Sauce Indigenous community, as consequence of a lawsuit filed by the state-owned hydroelectric company "Itaipú Binacional" against the community's leaders Cristóbal Martínez and Amada Martínez.

The Tekoha Sauce community have the right to reside upon and make use of their ancestral territory and are protected from being removed or transferred from it without their free, prior and informed consent, as established in the Article 64 of the Paraguayan Constitution and Article 16 of the International Labour Organization Indigenous and Tribal Peoples Convention No. 169. Their eviction without obtaining their consent would constitute a violation of Paraguayan and international law.

I urge you, as President of Paraguay, to ensure that the people from the Tekoha Sauce Indigenous community are protected from forced eviction and that their rights are respected.

Yours sincerely,

ADDITIONAL INFORMATION

The Tekoha Sauce Indigenous community were first evicted from their ancestral lands in the 1970s to make way for the construction of the Itaipú Hydroelectric Plant. This eviction was carried out in violation of both national and international standards concerning the rights of Indigenous Peoples, and the community was relocated to an area that did not meet the needs of their traditional way of life.

Seeing no resolution to their situation, in 2016 the community returned to a portion of their ancestral land beside the “Limoy Reserve”, which the hydroelectric company claims as its property.

The community has asked the State authorities for comprehensive reparations for damages caused since the first eviction, without receiving a satisfactory response. According to Article 28 of the United Nations Declaration on the Rights of Indigenous Peoples, this compensation could include legally recognized lands, territories, resources, monetary compensation or other measures.

In 2018, Amnesty International published the report *A recipe for criminalization: Defenders of the environment, territory and land in Peru and Paraguay*, which highlighted the problem of evictions in Paraguay, and how these are often undertaken without the necessary safeguards to ensure they are compliant with national and international standards.

Leaders Amada Martínez and Cristóbal Martínez have actively defended the rights of their community in the context of the land dispute and the call for comprehensive reparations.

On 8 August 2018, Amada Martínez, human rights defender from the Tekoha Sauce Indigenous community in south-east Paraguay, was threatened by three armed men wearing uniforms of the Itaipú Hydroelectric Plant, in the presence of three minors, her sister and a taxi driver. Following an Urgent Action, Amada Martínez was able to file a legal complaint before the Office of the Public Defender and request the Human Rights Director of the Office of the Prosecutor to issue precautionary measures. The Human Rights Director requested the Prosecutor of Minga Porã, where Amada Martínez was attacked, to carry out an impartial and independent investigation.

On 2 October 2018, the Institute for Indigenous Affairs (INDI) visited the community and formally recognized Cristóbal Martínez' leadership on 9 October, a necessary first step in the process of the community claiming their ancestral lands before Paraguayan courts.

The term 'Forced eviction' refers to the removal of people against their will from the homes or land they occupy, without due process or other legal safeguards. These safeguards include genuine consultation with affected communities to identify all feasible alternatives to eviction, prior and adequate notice, provision of legal remedies, compensation for losses, and adequate alternative housing to those who cannot provide for themselves. In cases where the eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 10 October 2019
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Tekoha Sauce Community (they, them, theirs)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr45/9287/2018/en/>