

**TECHNICAL INFORMATION SHEET
CASE N° 11.713 ENXET LAMENXAY COMMUNITIES
FRIENDLY SOLUTION REPORT N° 90/99
(PARAGUAY)**

I. SUMMARY OF THE CASE

Victim(s): Comunidades Enxet Lamensexay

Petitioner(s): CEJIL, Tierra Viva- Vicilicio Alarcón, Mateo Mussolini, Pilar Royg y Oscar López

State: Paraguay

Friendly Settlement Agreement Report No: [90/99](#), published on September 29, 1999

Rapporteurship: Rights of indigenous peoples

Topics: Property rights

Facts: On December 12, 1996, the IACHR received a petition related to the claim of the ancestral lands of the Lamensexay and Riachito indigenous communities (Kayleyphapopyet), both of the Enxet-Sanapaná People. As alleged by the petitioners, as of 1885 the Paraguayan State would have sold Chaco land to foreigners, so by 1950 the Enxet territory would have been occupied by the new owners. As indicated in the petition, several land applications would have been made to the Institute of Rural Welfare (IBR) of Paraguay, legal actions would have been initiated aimed at recovering ancestral territory in accordance with their constitutional and legal rights, which were not respected, and the judicial file would have been kept for two years in summary stage. On the other hand, at the time of filing the petition, the Paraguayan State had not yet completed the administrative procedure for the definitive endowment of land initiated in 1991.

Alleged Rights: The petitioner alleged that the Republic of Paraguay was responsible for the violation of the rights enshrined in Articles 8 (Right to a Fair Trial), 21 (Right to Property), 22 (Freedom of Movement and Residence) and 25 (Judicial Protection), of the American Convention on Human Rights and to the benefits of culture, contemplated in Article XIII of the American Declaration of the Rights and Duties of Man.

II. PROCEDURAL ACTIVITY

1. The Commission notified the petition to the Paraguayan State on January 8, 1997. On May 8 of that same year, the Commission made itself available to the parties to initiate a friendly settlement process. On March 25, 1998, in Washington, the parties signed a Friendly Settlement Agreement and subsequently they held a meeting to follow up on the commitments assumed.

2. On October 29, 1999, the IACHR approved the friendly settlement agreement signed by the parties through Homologation Report No. 90/99.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement clause	Status of compliance
Paraguay stated it had fully paid the previous owners the amount of Paraguayan Guaranies 4,705,154.966 for its purchase of the 21,884.44-hectare tract of land located in Pozo Colorado district, President Hayes Department, in the Paraguayan Chaco, approximately 311 km from Asunción, on the Pozo Colorado to Sta. Juanita highway, on July 23, 1997, by means of Purchase Resolution No. 37/97.	Declarative clause
The State undertakes to transfer the piece of land described above, free of all types of encumbrances, with all the securities cleared, and in order, to the Enxet-Lamenxay and Kayleyphapopyet Communities -Riachito- both of the Enxet-Sanapaná people. The Lamenxay Community is divided into two villages: Sta. Juanita and Laguna Pato. Once the communities in question obtain recognition of their legal status, they will be given the title on that land and their corresponding registration within 2 months.	Total¹
The State undertakes to facilitate and expedite all the necessary procedures, in order to grant them legal status within a maximum period of 2 months after signing this act.	Total²
During the time that the process of obtaining the legal personalities of the communities' part of this Agreement lasts, the State undertakes to give them possession of the lands, so that they can occupy, use and enjoy them while proceeding to carry out the deed procedures.	Total³
The Government is committed by this Agreement, to provide the necessary assistance to these communities, consisting of the provision of food, medicines, tools and means of transport for the displacement of the different families and their belongings from their current residence to their new place of settlement.	Total⁴
Likewise, the State undertakes to guarantee to the indigenous communities, that within the maximum period of 2 months, both the personnel who worked in the acquired lands, as well as their belongings and the former owners of the Estancia subject to this will be reiterated about said transfer.	Total⁵
The State is obligated to carry out an Inventory of each and every one of the movable and accessory goods, electromechanical installations, etc., existing in the property.	Total⁶
The State in this act, guarantees to the communities Enxet-Lamenxay and Kayleyphapopyet-Riachito-, the health, medical and educational assistance, in its new settlement, as well as the maintenance in good condition of the access	Total⁷

¹ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

² See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

³ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

⁴ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

⁵ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

⁶ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

⁷ See IACHR, Report No. 90-99, Case 11.713, Friendly Settlement, Enxet-Lamenxay and Kayleyphapopyet -Riachito- Indigenous Communities., Paraguay, September 29, 1999.

roads to the property.	
The petitioners declare themselves satisfied in all their claims, arising from the facts that motivated the Enxet-Lamenxay Communities Case No. 11.713	Declarative clause

IV. LEVEL OF COMPLIANCE IN THE INSTANT CASE

3. The IACHR declared full compliance with the commitments assumed by the State in the Friendly Settlement Report of 90/99.

4. The petitioners, for their part, declared themselves satisfied in all their claims arising from the facts that led to the case, and expressed that the intermediation of the Commission had been decisive in achieving a friendly settlement in this case.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES IN THE INSTANT CASE

A. Individual outcomes in the instant case:

- On July 27, 1999, the President handed over to the representatives of the indigenous communities the land titles.

- Paraguay also guaranteed to the communities Enxet-Lamenxay and Kayleyphapopyet -Riachito- the health, medical and educational assistance in its new settlement, as well as the maintenance in good condition of the access roads to the property.