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May 24th PM

"CAPAJ"
**JURIDICAL COMMISSION FOR AUTO-DEVELOPMENT OF FIRST
ANDEAN PEOPLES**
**NGO in consultative status with the Economic and Social Council
of the United Nations**

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Joint Statement by:

CAPAJ, FECITED, APAA, COICAP and YACHAYWASI

6th Session of the Permanent Forum

New York, May 15th – 24th, 2007

Agenda Item 10.- Programme for the 7th Session of the Permanent Forum

1.- In November of 2003 the "International Experts Seminar on Indigenous Peoples and the Administration of Justice" was held, organized by the Office of the High Commissioner for Human Rights. This important event's conclusions and recommendations were published in official U.N. document no. E/CN.4 Sub 2 /AC.4/2004/6, June 10th, 2004.

2.- At the seminar, many cases were examined in which the justice system had failed to recognize and protect the special relationship that Indigenous peoples have with their ancestral territories. These failures included violations of rights stipulated in treaties, conventions and other constructive agreements.

3.- Thousands of Indigenous brothers and sisters are currently suffering prison sentences and torture throughout the world, many have become victims of unfair trials or have been arbitrarily charged with crimes. Women are the most affected, because organized crime tends to use them more often as covers. In such legal proceedings the justice system hands down rulings without ever factoring Indigenous identity into their decisions.

4.- Some states have criminalized Indigenous leaders' legitimate self-defense of their peoples. Indigenous justice systems are marginalized, despite the fact that they offer means of conflict prevention and resolution that have proven successful and fit harmoniously into their own realities.

For these reasons we propose :

That the Permanent Forum consider dedicating an entire morning during the 7th Session to the topic of administration of justice and Indigenous peoples. Likewise, we request that it urge the States to invite their ministers of justice, heads of judicial branches, justices and judges to participate in this proposed meeting.

Thank you, Madame Chair

Tomas Alarcón
President, CAPAJ