

EXTERNAL - EMBARGOED FOR 24 JANUARY
TARGETED TO BRAZIL MEDIA

**BRAZIL: AMNESTY INTERNATIONAL FEARS FOR INDIGENOUS COMMUNITIES'
SAFETY AFTER BRAZILIAN DECREE ON INDIGENOUS LANDS**

Amnesty International today warned that the safety of many indigenous communities was being put at risk by a decree which threatens current demarcations of indigenous lands.

“The latest decree is a recipe for tragedy. By throwing the demarcation of over 344 indigenous lands into doubt, the government has paved the way for the invasion of indigenous lands. In the past this has resulted in massacres, selective killings, abductions, threats and assaults on indigenous people,” said Amnesty International officials visiting the Brazilian Embassy in London today to raise the organization’s concerns.

Since the decree was passed, on 8 January 1996, several new invasions of indigenous lands have been reported. In the past unscrupulous local politicians and economic interests in many states, often backed by state authorities, have stimulated the invasion of indigenous lands by settlers, miners and loggers, playing on any uncertainty about the demarcation process. This has resulted in violent clashes and killings. The authorities at all levels have consistently failed to protect the fundamental human rights of members of indigenous groups or bring those responsible for such attacks to justice.

Whilst Amnesty International takes no position on land disputes, the human rights organization has campaigned against human rights abuses suffered by Brazil’s indigenous communities in recent years from those coveting their lands and the resources on them, who frequently act with official acquiescence or collusion. Amnesty International has repeatedly called on authorities at all levels to put an end to the almost universal impunity for killings, assaults, and threats to members of indigenous communities.

Partial figures indicate that, during the last five years, at least 123 members of indigenous groups have been murdered by members of the non-indigenous population in land disputes. With few exceptions, no-one has been brought to justice for such killings. For example, to date no-one has been brought to trial for the massacre of 14 members of the Ticuna tribe in Amazonas in 1988, and for the massacre of 14 members of the Yanomami village of Haximu on the Brazil/Venezuelan border in 1993.

BACKGROUND

After in-depth field study, Amnesty International published a report in 1993 (*) which concluded that indigenous groups were most at risk when there was uncertainty about the demarcation of their lands. At the time the organization asserted that “by failing to arbitrate promptly in disputes between the indigenous and non-indigenous community the state has left indigenous groups ever more vulnerable to escalating violence against them.”

Amnesty International’s research has shown that isolated indigenous groups are particularly vulnerable to such attack. Among those isolated groups whose safety is further jeopardised by the new decree are the Urue-wau-wau, Canoé, Akunsu, Kassupá, and Jururei in Rondônia, and the Korubu in Amazonas some of whom have already been the target of human rights abuse.

In March 1995 Amnesty International’s Secretary General Pierre Sané raised with the federal government in Brasília the need for safeguards for the physical integrity of indigenous communities, and measures to combat impunity for attacks on them. Ministry of Justice officials gave firm commitments that the fundamental rights of indigenous people guaranteed in Article 231 of the Constitution would not be altered and that demarcated indigenous lands would not be revised. However, under the new decree, even indigenous lands that have reached the final stage of demarcation - Presidential approval (*homologação*) - after a process which has often cost lives, are now open to dispute and revision.

Under Brazil’s 1988 Constitution all of Brazil’s 544 indigenous areas were due to be demarcated, registered and guaranteed by October 1993. 210 are now fully registered and thus ostensibly secured against revision. However the new decree puts some further 344 areas, including those already demarcated, at risk of dispute and revision.

The National Forum for the Defence of Indigenous Rights - a grouping of Brazilian indigenous communities and non-governmental organizations - is petitioning the Attorney General’s office to challenge the constitutionality of Decree 1.775/96 in the Supreme Court, arguing that it violates the inalienable right of indigenous peoples to their traditional lands, which is guaranteed in article 231 of the Constitution.

(*) “We Are the Land: Indigenous Peoples Struggle for their Human Rights”
AI INDEX: AMR 19\32\92, January 1993.

Note to editors :

Also visiting the Brazilian Embassy in London today are representatives of the non-governmental organizations OXFAM and Survival International.