

URGENT ACTION

COMMUNITY GET TEMPORARY REPRIEVE

The Laranjeira Nhanderu community have been given permission to remain on their ancestral lands while an appeal against their eviction order is considered.

On 6 February, the Third Regional Federal court in São Paulo, hearing an appeal against the eviction order against the Laranjeira Nhanderu community, suspended the order while further deliberations take place. The judges have not set a date for the next hearing. The Laranjeira Nhanderu community will now be allowed to remain on the land until the case is resolved.

Outside the court, the indigenous leader Faride said: "The vote was fantastic, but the situation is still uncertain." He called on Funai to complete the anthropological study showing that they have rights to their ancestral lands.

Our local partners have requested that we keep the action going, as the eviction order could be re-imposed if the court overturns the appeal.

Please write immediately in Portuguese, English or your own language:

- Call for the immediate completion of FUNAI's report defining the extent of Laranjeira Nhanderu ancestral lands;
- Call on the authorities to ensure the community has adequate access to basic services, including food, water and healthcare, and investigate any allegations of threats against them;
- Urge them to fulfil their obligations under the ILO's Convention 169, the UN Declaration on the Rights of Indigenous Peoples and the Brazilian constitution by completing all outstanding land demarcations.

PLEASE SEND APPEALS BEFORE 27 MARCH 2012 TO:

Federal Minister of Justice
Exmo. Sr. José Eduardo Martins
Cardozo,
Esplanada dos Ministérios,
Bloco "T", 4º andar,
70.712-902 - Brasília/DF,
BRAZIL.
Fax: + 55 61 2025 7803
Salutation: Exmo. Sr. Ministro

Federal Human Rights Secretary
Exma Sra. Ministra Maria do Rosário
Nunes
Setor Comercial Sul-B, Quadra 9, Lote C
Edifício Parque Cidade Corporate,
Torre "A", 10º andar,
70308-200 – Brasília/DF, BRAZIL
Fax: + 55 61 2025 9414
Salutation: Exma. Sra. Ministra

And copies to:
Indigenous rights NGO
Conselho Indigenista Missionário (CIMI)
CIMI Regional Mato Grosso do Sul,
Av. Afonso Pena,
1557 Sala 208 Bl.B,
79002-070 Campo Grande/MS,
BRAZIL.

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 294/11. Further information: <http://amnesty.org/en/library/info/AMR19/015/2011/en> and <http://amnesty.org/en/library/info/AMR19/003/2012/en>

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ADDITIONAL INFORMATION

Mato Grosso do Sul state contains some of the smallest, poorest and most densely populated Indigenous areas in Brazil: rural pockets of poverty surrounded by large soya and sugar cane plantations and cattle ranches, where life is plagued by ill-health and squalid living conditions. Some 60,000 Guarani-Kaiowá Indigenous people live a precarious existence – social breakdown has led to high levels of violence, suicide and malnutrition. Frustrated at the slowness of the land demarcation process, the Guarani-Kaiowá have begun reoccupying ancestral lands, but have been subjected to intimidation and violent evictions.

In November 2007 the Ministry of Justice, the Federal Public Prosecutor's Office, FUNAI and 23 Indigenous leaders, signed an agreement (Termo de Ajustamento de Conduta, TAC) which committed FUNAI to identify 36 different Guarani-Kaiowá ancestral lands - including Laranjeira Nãnderu land - by April 2010. Lack of resources and legal challenges have delayed the identification process which has still not been completed, though FUNAI has recently announced that some of the anthropological studies will be published in March 2012.

Because of the ongoing failure to resolve outstanding land claims, several Guarani-Kaiowá communities have ended up living beside highways. They have been exposed to threats from security guards hired to prevent them from trying to reoccupy land, health problems related to living in inadequate temporary shelters and lack of medical assistance. In addition, a large number have been killed and injured in traffic accidents.

Both the UN Declaration on the Rights of Indigenous Peoples which Brazil signed in 2007 and the International Labour Organization's Convention 169 to which Brazil is a party enshrine Indigenous People's rights to their ancestral lands and call on states to establish mechanisms whereby these rights can be adjudicated and recognized. The Brazilian constitution (1988) also affirms Brazilian Indigenous People's rights to their lands and the Union's responsibility to demarcate them.

Name: Laranjeira Nãnderu indigenous community
Gender m/f: Both

Further information on UA: 294/11 Index: AMR 19/004/2012 Issue Date: 15 February 2012