

URGENT ACTION

DEMAND JUSTICE FOR GUARANI KAIOWA FAMILIES

Two days after being evicted from their ancestral lands the Laranjeira Nãnderu community face further hardships after farmers burnt down their houses and destroyed the belongings that they had intended to collect at a later date.

Thirty-five Guarani Kaiowa families of the Laranjeira Nãnderu community, including around 60 children, were evicted on 9 September. The families had reoccupied their ancestral lands in 2007. They are now encamped on side of the B-169 highway in the Rio Brilhante municipality, Mato Grosso do Sul state, in extremely precarious conditions with no food, running water or adequate shelter. The Federal Police who oversaw the eviction told the land owner that the community would return to collect their remaining belongings, including the straw roofs that they needed to rebuild their shacks along the side of the highway. The land owner prevented the community from re-entering the farm to collect their belongings, then burnt the families' houses and the rest of their belongings two days later.

Without the straw roofs, the community are now living in shacks covered with sheets of black plastic, in temperatures that rise above 30 degrees during the day. Three members of the community have since fallen ill because there is no shelter from the heat.

Community leader José Almeida has said that since the eviction the community had been intimidated by local farmers who have been driving at high speed along the highway next to their encampment at night and shining lights into their shacks. He also stated that the community has been prevented from collecting water from a source near to the farm. The community has lodged an official complaint with federal prosecutors.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Call on the authorities to thoroughly investigate destruction of property and intimidation of the Laranjeira Nãnderu community;
- demand that the authorities to ensure that the community is provided with adequate security, food, water and shelter, while they remain encamped on the highway;
- urge the authorities fulfil their obligations under the International Labour Organisation'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 5 NOVEMBER 2009 TO:

Federal Minister of Justice

Exmo. Sr. Tarso Genro
Esplanada dos Ministérios,
Bloco "T"
70712-902 - Brasília/DF Brasil

Fax: + 55 61 3322 6817

+ 55 61 3224 3398

Salutation: Exmo. Sr. Ministro

Federal Human Rights Secretary

Secretaria Especial de Direitos Humanos
Exmo. Secretário Especial
Sr. Paulo de Tarso Vannuchi
Esplanada dos Ministérios - Bloco "T" - 4º
andar, 70064-900 - Brasília/DF Brasil

Fax: + 55 61 3226 7980

Salutation: Exmo. Sr. Secretário

AND COPIES TO:

Conselho Indigenista Missionário, (CIMI – local NGO)
CIMI Regional Mato Grosso do Sul
Av. Afonso Pena,
1557 Sala 208 Bl.B
79002-070 Campo Grande/MS BRASIL

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 first update of UA 229/09 (AMR 19/015/2009).

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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 Kaiowa 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 Kaiowa 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 commits FUNAI to identify 36 different Guarani Kaiowa ancestral lands - including Laranjeira Nãnderu land - by April 2010, to be handed over. The agreement was vehemently opposed by state government and the farming lobby. After the signing of the TAC, the state governor André Puccinelli threatened not to honour the accord and the acting vice-governor, Jerson Domingos, inflamed the situation by warning the process would inevitably lead a "bloodbath", with conflict between the police, the Indians and the land owners. Local farming interests have opposed the process, exaggerating the amount of land that could be identified as Indigenous in the media, and repeatedly trying to block the process judicially. There are currently over 80 appeals being heard in the Regional Federal Court (Tribunal Regional Federal) involving Indigenous land in Mato Grosso do Sul.

Since the reoccupation of their ancestral lands, the Nãnderu Laranjeira community have been surviving largely on food parcels provided by FUNAI. The land they are on, which is surrounded by cane and corn plantations, is constantly watched by private security guards hired by the landowners and they have been prohibited from planting their own food. Ilda Barbosa da Almeida, one of the Indigenous women in the village, informed CIMI, the Catholic organization which works for Indigenous peoples, that two children had died in the community as the private security guards barred access to federal government health workers. The community also suffered three suicides during this time.

The original eviction order against the Nãnderu Laranjeira community was suspended pending a FUNAI report on the legitimacy of their claims. However, opposition from the farm owner and the farming lobby has so far prevented FUNAI from carrying out the necessary work. In July 2009 the farming body, Farmasul, appealed to the regional federal court and succeeded in suspending all anthropological surveys of Indigenous lands, including the Nãnderu Laranjeira lands. Although this appeal was overturned in August, and the studies are about to recommence, the Nãnderu Laranjeira were still evicted.

Because of the ongoing failure to resolve outstanding land claims, several other Guarani Kaiowa 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 Organisation'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.

Further information on UA: 229/09 Index: AMR 19/016/2009 Issue Date: 24 September 2009

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