

URGENT ACTION

INDIGENOUS COMMUNITY FACING IMMINENT EVICTION

Thirty-five families of the Guarani-Kaiowá community of Laranjeira Ñanderu face imminent eviction from their ancestral lands in Mato Grosso do Sul State, Brazil. If they are evicted they will be forced to live by the side of a busy highway on the outskirts of a nearby town, with no access to water or land to plant crops.

On 21 September, a local judge issued an eviction order for the removal of the Laranjeira Ñanderu community, which comprises of 120 people currently living in a forested area in the Santo Antônio da Nova Esperança farm in the municipality of Rio Brillante, 150km south of the state capital Campo Grande. The judge ruled that the community should be removed by the federal body responsible for Indigenous Peoples in Brazil (FUNAI) to an area by the side of a busy highway, as recommended by the National Department of Transport and Infrastructure. This area is dirty, noisy, dusty and is subject to periodic flooding. There is no access to water or land on which to plant crops. Officials from FUNAI met with the community on 26 September and told them that they would try and fight the eviction the order, but two previous appeals have already been rejected.

The area the community is currently living in has been awaiting identification as Laranjeira Ñanderu ancestral lands since 2007, but the process has been stalled by judicial challenges and a lack of federal police escorts to accompany the anthropological working groups that are working to identify the lands as ancestral. This is the third eviction faced by the Laranjeira Ñanderu community in three and a half years as a result of their long-running fight for their land rights. The community first reoccupied their ancestral lands in late in 2007. They were evicted in May 2008 but later returned to the land. In the aftermath of their latest eviction in September 2009, their houses and personal belongings were burnt by the landowner.

The Laranjeira Ñanderu community then spent a year and eight months in a makeshift encampment set up in a drainage ditch on the edge of federal highway BR-163, opposite their ancestral lands. They were subject to constant threats by locally recruited security guards and lacked access to basic sanitation, water and healthcare. As works to widen the highway approached their encampment in May 2011, and frustrated at the slowness of the land demarcation process, the community staged another reoccupation.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Express concern that a long history of evictions has placed members of the Laranjeira Ñanderu community at risk and call on the authorities to halt the proposed eviction and guarantee their rights to their ancestral lands;
- Urge the authorities to prioritize the identification of Laranjeira Ñanderu land in the overall process of land identifications, which began in 2007;
- Urge the authorities to fulfil their obligations under the International Labour Organization'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 9 NOVEMBER 2011 TO:

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

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

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 BRAZIL

Please check with your section office if sending appeals after the above date.

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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 Nanderu land - by April 2010, to be handed over. Lack of resources and legal challenges have delayed the identification process which has still not taken place, though FUNAI has recently announced that some of the anthropological studies – but not that of the Laranjeira Nanderu - will be published in March 2012.

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 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.

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