

# URGENT ACTION

## COMMUNITY LEADER AT RISK FOLLOWING KILLING

**Flaviano Pinto Neto**, a leader of the Charco community in Maranhão state, north-east Brazil, was shot dead on 30 October. **Manoel Santana Costa**, another leader of the community, along with over twenty other members of the community, have received a series of death threats and now fear for their lives. **Manoel Santana Costa** has gone into hiding and is seeking police protection.

The community is being targeted due to their fight to be officially recognized as a *quilombo* – an afro-descendent community – against the interests of powerful local farmers. In spite of the fact that the community has existed for almost 200 years, it has been threatened by eviction orders. They are now going through the administrative process of gaining official recognition as a *quilombo* community, which would give them secure land title.

On 30 October, **Flaviano Pinto Neto**, a leader of the community and the president of the Association of Rural Small Producers of the Charco Community (Associação dos Pequenos Produtores Rurais do Povoado do Charco), was killed with seven shots to the head. According to members of the community the police are currently investigating the case.

**Manoel Santana Costa**, also known as Manoel do Charco, is the treasurer and union officer of the local rural workers union. He is now hiding in fear for his life and has requested police protection from the State Secretary of Public Security for himself and other members of the community also under threat. Although the National Human Rights Defenders' Programme does not yet have coordinators working in Maranhão state, Manoel could still be included in the programme directly through the national office in Brasília.

In August 2009, Manoel received an anonymous call in which he was asked if he was afraid of being burned to death (“tu não tem medo de morrer queimado?”). A few days later, the community association building was set on fire. In the same year, when Manoel was at the Court House gathering information about the status of the land dispute, he received another anonymous phone call asking the same question.

### PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Urging the authorities to include Manoel Santana Costa on the Human Rights Defenders' Programme and immediately provide him with full protection, and fully investigate all threats against him and members of the community;
- Urging the authorities to thoroughly investigate the killing of Flaviano Pinto Neto and bring perpetrators to justice;
- Urging the authorities to carry out, as quickly as possible, the administrative processes which would give the community the title of the land they have lived on for almost two centuries, so as not to place the families at risk of violence and intimidation.

### PLEASE SEND APPEALS BEFORE 05 JANUARY 2011 TO:

#### Federal Minister of Justice

Exmo. Ministro

Sr. Luiz Paulo Teles Ferreira Barreto

Esplanada dos Ministérios,

Bloco "T"

70712-902 - Brasília/DF Brasil

Fax: + 55 61 3322 6817/ 3224 3398

Salutation: Dear Minister

#### National Institute of Colonization and

#### Agrarian Reform

Instituto Nacional de Colonização e

Reforma Agrária (Incra)

Exmo. Presidente Rolf Hackbart

SBN Qd. 01 Bloco D - Edifício Palácio

do Desenvolvimento

CEP: 70.057-900 – Brasília/DF

PABX: (61)3411-7474

Salutation: Dear President

#### Copies to:

#### 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: Dear Secretary

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Quilombos are Afro-Brazilian settlements, which were first established at the end of the 16th century in remote rural areas in Brazil, by escaped and free slaves that resisted slavery. The 1988 Brazilian Constitution (Articles. 215 and 216) acknowledges the right of descendant communities to the lands historically occupied by quilombos. In particular, Article 68 of the Transitory Dispositions states that 'Final ownership shall be recognized for the remaining members of the quilombo communities who are occupying their lands and the state shall grant them the respective land titles'. ("Aos remanescentes das comunidades dos quilombos que estejam ocupando suas terras é reconhecida a propriedade definitiva, devendo o Estado emitir-lhes os títulos respectivos."). A series of federal and state laws has been issued to regulate how the quilombos' lands are identified and how titles are to be given to the remaining communities.

In 2003, a new Decree (No. 4887) issued by the President, made several changes to the titling process and removed it from the competence of the Palmares Cultural Foundation (FCP) under the Ministry of Culture to the National Institute of Colonization and Agrarian Reform (INCRA) under the Ministry of Agrarian Development. Under this new procedure, the FCP has the authority only to issue quilombos certification of self-identification, which is a pre-requisite to initiate the titling process under Decree No. 4887.

In October 2009, INCRA published the Normative Regulation No.57/2009 establishing the various steps of the administrative procedure to give the remaining quilombo communities the title to their lands i.e. identification, recognition, delimitation, demarcation, removal of illegal occupants, titling and land registration.

In addition to the national legislation, Brazil is also a party to the International Labour Organization's Convention 169, the American Convention on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which reaffirm the rights of Afro-descendant groups to cultural and land rights as well as the principles of non-discrimination and equality before the law.

There are over 3000 quilombo communities in Brazil, hundreds of administrative procedures have been initiated before the INCRA but to date less than 10 per cent of the communities have received their land titles. The Charco community, with over 70 families, has been fighting for their land rights for more than 60 years and has been previously threatened with various eviction orders. In 2009, the community initiated the administrative process to have their land recognized as the remaining of a quilombo settlement.

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