

URGENT ACTION

INDIGENOUS LEADER KILLED

Around 100 Guarani-Kaiowá people are encamped on their ancestral lands: on 18 November 40 gunmen attacked the camp, killing an indigenous leader and abducting three children. The indigenous group have vowed to stay on their ancestral land.

At around 6:30 am on 18 November, 40 gunmen, many hooded, arrived in around a dozen trucks at the Guaiviry encampment set up on farmlands in the south of Mato Grosso do Sul state. The men attacked the community, injuring several people; they seized indigenous leader Nísio Gomes and shot him repeatedly. His grandson tried to intervene, but the gunmen beat him.

According to eyewitnesses, Gomes's body was dragged along the ground and dumped in one of the trucks. Three children: a 12-year-old boy and two girls, aged five and 12, were snatched by the men and taken away in the truck, and have not been seen since. Nísio Gomes's body has not yet been recovered and there are fears that it may have been taken across the border into Paraguay, making it difficult to trace. Federal police and prosecutors, as well as FUNAI, are investigating the attacks.

The Guaiviry indigenous community, who had been camping by the side of the MS-386 highway, in extremely precarious conditions, reoccupied their ancestral lands on 1 November, and set up camp on farmlands which had been earmarked for identification since November 2008. Anthropological research has been completed but the lands cannot be officially identified until the anthropological reports have been published. Their encampment was repeatedly threatened by gunmen before the 18 November attack. Two days before it, they threatened to kill Nísio Gomes.

In spite of the grave risks the community have vowed to stay on their ancestral lands. "We will stay in the encampment, we will all die right here. We will not leave our *tekoha* (ancestral land)," [*O povo continua no acampamento, nós vamos morrer tudo aqui mesmo. Não vamos sair do nosso tekoha.*] one member of the community told a representative of the local NGO *Conselho Indigenista Missionário* (CIMI) on 18 November. The community is calling on the authorities to redouble their efforts in the search for the body of Nísio Gomes and the missing children.

Please write immediately, in Portuguese or your own language:

- Calling on the authorities to investigate independently and thoroughly the killing of Nísio Gomes and abduction of three children thoroughly, and bring those responsible to justice;
- Pointing out that the authorities have failed for a long time to ensure the protection of the Guarani-Kaiowá, and urging them to offer full protection according to the community's wishes;
- Urging the authorities to fulfil their obligations under the International Labour Organisation's Convention 169, the UN Declaration on the Rights of Indigenous Peoples and the 1988 Brazilian constitution by completing all outstanding land demarcations.

PLEASE SEND APPEALS BEFORE 2 JANUARY 2012 TO:

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

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, Brazil
Fax: + 55 61 2025 9414
Salutation: Exma. Senhora
Ministra/Minister

And copies to:
Local 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.

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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-Kaiowá have begun reoccupying their ancestral lands, but have been subjected to intimidation and violence.

Numerous Guarani-Kaiowá have been forcibly evicted and 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.

Over the past decade numerous attacks and killings have resulted from the Guarani-Kaiowá's fight for land. Private security companies, contracted by local land owners, routinely use threats and violence with impunity.

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-Kaiowá ancestral lands - including the Guaiviry land - by April 2010, to be handed over. Lack of resources and legal challenges have delayed the identification process, which still has not taken place, though FUNAI recently announced that some of the anthropological studies would be published in March 2012. The study related to Guaiviry land was in the process of being concluded when the attacks on the community took place.

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 peoples' rights to their lands and the Brazil's responsibility to demarcate them.

Recent changes mean that all prospective Indigenous identifications will have to be passed through the President's office before being approved – a move that many local NGOs fear will compromise the constitutional rights of indigenous peoples to their lands.

Name: 100 Guarani-Kaiowá people

Gender: Both

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