

URGENT ACTION

SUBSISTENCE FARMERS FACE DEATH THREATS

Community leader José da Cruz and members of Brazil's Salgado quilombola community of afro-descendant subsistence farmers, in Pirapemas, Maranhão state, have been repeatedly threatened over their longstanding battle for the rights to their land.

Like other Afro-descendent communities in Maranhão, Salgado community have suffered persistent threats and intimidation, reportedly from powerful local landowners, as a consequence of their long fight to gain official status as quilombolas (descendants of slaves). On 3 December community members found that 18 of da Cruz's farm animals had been poisoned and killed, causing a huge loss to his family. At the end of August a local gunman fired in the direction of da Cruz's house, killing a sow. On 14 December da Cruz and other members of the community found a weed-killer container in the well used by the families in Salgado. On 22 December community members told the police they had heard that a gunman had been hired to kill da Cruz, while two armed men were seen patrolling the outside of the community. Salgado has not yet received any protection.

The community have tried many times to report the threats and attacks, but have received no official protection, and fear that state police are colluding with local landowners. After they reported the August shooting, they saw the local landowner believed to be behind the attacks, travelling in the police car sent to investigate.

In October members of the Federal Program for the Protection of Human Rights Defenders visited the community. On 21 December they told community members that the federal authorities would include them in the program. However, representatives of the federal program appeared unable to inform either members of the community or Amnesty International what measures would be adopted to ensure the community's safety, saying that the duty to do this fell to state authorities, who had been informed.

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

- Urging the authorities to provide full protection immediately to José da Cruz, his family and the Salgado quilombola community, in accordance with their needs and wishes;
- Urging them to investigate thoroughly the threats against José da Cruz and his family, publish their findings and bring those responsible to justice;
- Calling on them to ensure a swift and transparent conclusion to the process to designate quilombola status so as to ensure its effective and long-term security.

PLEASE SEND APPEALS BEFORE 3 FEBRUARY 2012 TO:

Federal Human Rights Secretary
Exma. Secretária Especial
Maria do Rosário Nunes
SCS Bloco B, Quadra 09, Lote C,
Ed. Parque da Cidade, Corporate,
Torre A, 10º Andar
CEP: 70308-200
Brasília/DF
BRAZIL
Fax: + 55 61 2025 3464
Salutation: Exmo. Sr. Secretário

Governor of Maranhão
Exma. Sra Governadora
Roseana Sarney
Palácio dos Leões - Av. Dom Pedro
II, s/nº Centro
65.010-904 - São Luís/MA, BRAZIL
Fax: + 55 98 2108-9252
Salutation: Dear Governor /
Exma. Sra Governadora

And copies to:
Comissão Pastoral da Terra - Maranhão
Rua do Sol, nº 457, Centro
CEP 65020-590, São Luís – MA,
BRAZIL

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

**AMNESTY
INTERNATIONAL**



URGENT ACTION

SUBSISTENCE FARMERS FACE DEATH THREATS

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 freed 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 introduced to regulate how the quilombos' lands are identified and how titles are to be given to the remaining communities.

On 30 October 2010, Flaviano Pinto Neto, a leader of the Charco quilombola community, in Maranhão, was killed with seven shots to the head (see UA 244/10, AMR 19/016/2010, 24 November 2010).

In addition to the national legislation, Brazil is 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 National Institute of Colonization and Agrarian Reform (INCRA) but less than 10 per cent of the communities have yet received their land titles. The Salgado community, with over 42 families, have been fighting for their land rights since 1982 and have been threatened with various eviction orders. The community have suffered numerous setbacks, due to alleged malpractice by those responsible for the demarcation process.

Name: José da Cruz, Salgado community

Gender m/f: both

UA: 369/11 Index: AMR 19/020/2011 Issue Date: 23 December 2011