

EXTERNAL

AI Index: AMR 19/01/97

UA 09/97

Fear for safety

10 January 1997

**BRAZIL 53 members of the Guarani-Kaiowá indigenous community in Maracajú**

Amnesty International is concerned for the safety of 53 members of the Guarani-Kaiowá indigenous community following an illegal eviction from land they had occupied in Sucuriy, Maracajú municipality, Mato Grosso do Sul state, by armed civilians. Amnesty International believes them to be at heightened risk of human rights abuses while the land dispute remains unresolved.

The 14 Guarani-Kaiowá families are now camped on the roadside about two kilometres outside Maracajú, and awaiting a judicial decision that would allow them to return to the area. Members of the group of men who removed them from the land are reportedly continuing to harass and threaten them.

On 21 December 1996 the Guarani-Kaiowá, accompanied by two field workers from the government indigenous agency, FUNAI, occupied an area of land that had been demarcated as indigenous territory by FUNAI. According to information received by Amnesty International, on 23 December a group of about 50 men armed with guns surrounded the indigenous encampment. The group was acting without a court order, and was reportedly led by a landowner of the estate within which the area has been demarcated as indigenous land. The armed group also included prominent members of the Maracajú non-indigenous community, and is reported to have made explicit threats of violence against the Guarani-Kaiowá. Following talks in the town of Maracajú between indigenous leaders and the landowner, which excluded the FUNAI workers, the Guarani-Kaiowá, fearing for their safety, agreed to leave the land. The Maracajú police chief is also reported to have insisted on their immediate removal from the land, despite the lack of a court order.

Groups working on behalf of the indigenous community appealed for the intervention of the Federal Police who were sent briefly to the area on 24 December. The Federal Police informed the Guarani-Kaiowá that they required a court order in order to be able to reoccupy the demarcated indigenous area. As far as Amnesty International is aware, the Federal Police have offered no protection to the Guarani-Kaiowá, despite their continued harassment by members of the group who evicted them. The climate of tension in the area is compounded by a threat by the Guarani-Kaiowá to return to the land at the end of January, with or without a court order.

#### **BACKGROUND INFORMATION**

Some 26,000 Guarani Indians - divided between the Kaiowá and Nandewa communities - live in the state of Mato Grosso do Sul. The state has 22 recognised Indian areas totalling 40,000 hectares. In recent years, in desperation at increasing overcrowding in many indigenous reserves, members of other Guarani-Kaiowá communities have taken to occupying land demarcated as indigenous territory (see EXTRA 68/96, AMR 19/21/96, 16 May 1996).

While Amnesty International takes no side in disputes over land, the organization has repeatedly expressed concern over the pattern of human rights abuses against indigenous communities - often in the context of land disputes - and the almost total impunity for them. The organization believes that the failure to arbitrate promptly in disputes between the indigenous and non-indigenous community leaves indigenous groups vulnerable to violence against them.

Under Brazil's 1988 Constitution all other titles to indigenous land are considered null and void. Nevertheless in January 1996 the Brazilian Federal Government issued Decree 1775/96 providing procedures for administrative challenges by non-indigenous claimants to indigenous areas already demarcated and ratified by Presidential decree. Amnesty International expressed concern (AMR 19/03/96 News Service 13/96) that the uncertainty created by the Decree might pave the way to violent incursions on indigenous lands, which in the past had led to assaults, selective killings and massacres of members of indigenous communities.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Portuguese or your own language:**

- expressing concern for the physical safety of some 53 Guarani-Kaiowá Indians in the municipality of Maracajú following threats of violence against them;
- urging the Federal Government of Brazil to take immediate steps to ensure the safety of the Guarani-Kaiowá;
- calling on the Federal Government of Brazil to initiate an immediate inquiry into threats and harassment against the Guarani-Kaiowá, and to bring those responsible to justice.

**APPEALS TO:**

**Minister of Justice**

Exmo. Sr. Ministro da Justiça  
 Dr. Nelson Azevedo Jobim  
 Ministério da Justiça  
 Esplanada dos Ministérios, Bloco 23  
 70064-900 Brasília, DF, Brazil  
**Fax: +55 61 321 5172 /322 6817 / 226 7980**  
**Telegrams: Justice Minister, Brasilia, Brazil**  
**Salutation : Vossa Excelência / Dear Minister**

**President of FUNAI (Government Indigenous Agency)**

Exmo. Presidente da FUNAI  
 Sr. Júlio Gaiger  
 SETS  
 Quadra 702/902  
 Edifício LEX, 3º andar, Bloco A  
 CEP 70340-904 Brasília DF  
**Telegrams: Presidente FUNAI, Brasília, Brazil**  
**Fax: +55 61 226 8782**  
**Salutation: Exmo. Senhor/ Dear Sir**

**State Governor Mato Grosso do Sul**

Exmo. Sr. Governador do Mato Grosso do Sul  
 Sr. Wilson Martins  
 Parque dos Poderes, Bloco B  
 Campo Grande MS, CEP 79100 Brazil  
**Telex: 038 673 192 mspc br**  
**Fax: +55 67 726 4176**  
**Salutation : Vossa Excelência / Dear Governor**

**Mayor, Maracajú Municipality (FAXES ONLY)**

Exmo. Sr. Prefeito do Municipal de Maracajú  
 Dr. Rogério Lopes Posser

**Fax: +55 67 454 2418**

**Salutation: Exmo. Senhor/ Dear Sir**

**COPIES TO:**

**Conselho Indigenista Missionário - CIMI** (Non-governmental organization)  
Caixa Postal 2229  
79.002-070 Campo Grande, MS, Brazil

and to diplomatic representatives of Brazil accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 February 1997.