

PUBLIC

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25 February 2009

UA 53/09 Fear for safety / threats/ torture or other ill-treatment

**BRAZIL**  
**Carlito de Oliveira (m) (Indigenous leader)**  
**Nilson Duarte (m)**  
**Estevão Duarte (m) (brother)**  
**Placida de Oliveira (f) (wife of Carlitos)**  
**Inhabitants of Passo Pirajú, Guarani Kaiowa village**

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On 12 February, around 25 civil police officers stormed the Guarani Kaiowa Indigenous village of Passo Piraju, in the state of Mato Grosso do Sul, south-western Brazil, with orders to search for stolen goods. The police threatened and verbally abused the villagers, damaging their homes and the village school, and taking money and household goods. Four villagers, Carlito de Oliveira, Nilson Duarte, Estevão Duarte and Placida de Oliveira, are detained in two separate police stations in the area after being arrested during the police raid. They are at risk of being tortured or ill-treated in custody.

According to villagers' testimony, police entered the village at around 5am in order to search people's homes. Several residents reported having their doors kicked down, including one who said that a newborn baby was hit on the head by the impact of the door.

The daughter of Carlito de Oliveira described how she was in her family's house with her father and his nephews, aged 10 and seven, when police officers burst in and shouted, "Let's kill these piglets and we can stem this evil at the root" (*vamos matar eses porquinhos que a gente já corta o mal pela raiz!*).

The police officers forcibly evicted the family from the house. Carlito de Oliveira's daughter asked if the Fundação Nacional do Índio (FUNAI), the federal government agency responsible for Indigenous issues, had been informed of the police's activities, and was told by a police officer that FUNAI was not in charge and went on to say "I will kill you now so you keep your trap shut" (*eu vou te matar agora pra você não abrir o bico!*).

Other residents described how their children were unable to go to school as police destroyed the classroom, threw food on the floor and removed the school kitchen's only gas cylinder. Several families reported that their money, either from wages or from government benefits (Bolsa Família), amounting to hundreds of Brazilian reais in many cases, was taken by the police during their searches. Others, including Carlito de Oliveira, said that they had been hit by officers during the operation.

Carlito de Oliveira, Nilson Duarte, Estevao Duarte and Placida de Oliveira were detained during the operation, accused of receiving stolen goods from a local farm, illegal possession of a weapon and the formation of a criminal gang. Carlito de Oliveira, Nilson Duarte and Estevão Duarte are detained in a police station in the town of Dourados. Placida de Oliveira is in custody in a separate police station.

In a recent court ruling, a state judge ordered that the four detainees should not receive legal assistance from FUNAI, to which all Indigenous Peoples in Brazil are entitled. Another state judge has overturned a request by federal prosecutors to release the detainees pending the full investigation into their alleged crimes. Amnesty International fears that the four are being denied access to justice and are in danger of torture or other ill-treatment in detention, in reprisal for the alleged killings of two police officers in 2006.

## **BACKGROUND INFORMATION**

The Guarani Kaiowa, in Mato Grosso do Sul, have suffered discrimination as a consequence of their fight for their ancestral land rights. For the residents of Passo Pirajú this discrimination increased following an irregular police operation in the village on 1 April 2006 which led to the deaths of two police officers. A number of the villagers are still awaiting trial for the killings.

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. Forty thousand Guarani-Kaiowa live a precarious existence – social breakdown has led to high levels of violence, suicide and malnutrition. The slowness of the handover of land from landowners to the Indigenous communities has exacerbated overcrowding on existing reservations. The Guarani-Kaiowa have been subjected to intimidation and violent evictions by landowners and state authorities.

## **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:**

- expressing concern for Carlito de Oliveira, Nilson Duarte, Estevão Duarte and Placida de Oliveira, and for the residents of Passo Pirajú; and urging the federal authorities to take all necessary steps to guarantee their security immediately;
- urging the state and federal authorities to immediately investigate allegations of excessive use of force, threats and intimidation by civil police officers during this operation and that those found to be guilty are brought to justice;
- requesting that immediate steps be taken to ensure that the detainees are given all the necessary legal assistance;
- urging the federal government to increase all efforts to complete the land identification process in Mato Grosso do Sul and ensure the completion of the ratification process so as to guarantee the Guarani Kaiowa their long term security;

## **APPEALS TO:**

### Minister of Justice

Exmo. Ministro da Justiça da República Federativa do Brasil  
Sr. Tarso Genro, Ministério da Justiça  
Esplanada dos Ministérios, Bloco T, 70712-902 - Brasília - DF, Brazil

**Fax: + 55 61 3322 6817**

**Salutation: Vossa Excelência/ Your Excellency**

### President of FUNAI (Government Agency for Indigenous Peoples)

Exmo. Presidente da FUNAI  
Sr. Márcio Augusto de Meira  
SEUPES Quadra 902/702 - Bloco. A, Ed. Lex - 3º Andar, 70340-904 - Brasília – DF, Brazil

**Fax: + 55 61 3226 8782**

**Salutation: Exmo. Sr Presidente/ Dear President**

### State Secretary of Public Security

Exmo Sr Sec. Wantuir Francisco Brasil Jacini  
Parque dos Poderes, Av. do Poeta, bloco 06 79.031-350, Campo Grande/MS - Brasil

**Fax: + 55 67 3318 6815**

**Salutation: Vossa Excelência/ Your Excellency**

## **COPIES TO:**

### Conselho Indigenista Missionário, (CIMI – local NGO)

Cimi Regional Mato Grosso do Sul  
Av. Afonso Pena, 1557 Sala 208 Bl.B, Campo Grande - MS - CEP 79002-070

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 8 April 2009.