

URGENT ACTION

INDIGENOUS COMMUNITY FACES FORCED EVICTION

Fifteen families of the Apika'y Indigenous community in central-western Brazil will be forcibly evicted in early August if a judicial decision by the Federal Justice Court of Dourados, issued on 21 May, is carried out.

The forced eviction of the **Apika'y community**, which belongs to the Guarani-Kaiowá Indigenous Peoples, is scheduled for early August. The community initially received only 10 days' notice of the decision to evict them, have not been consulted and have not been offered any alternative accommodation. This means that the planned operation will amount to a forced eviction which is illegal under international law and contrary to Brazil's human rights obligations.

Also known as Curral do Arame, the Apika'y community has been living encamped on less than 5 hectares of land on the margins of a highway (BR-463) in Mato Grosso do Sul state for the last 14 years, between Dourados and Ponta Porã near the Paraguayan border. The community is located between a large sugar monoculture farm and tiny woods where a stream contaminated by pesticides is their only source of water. In the past four years, eight community members have been killed in car accidents due to the close proximity to the highway.

The community is awaiting a long overdue decision on its claim to a larger territory which has been its ancestral home, as part of a national program of demarcation of Indigenous Peoples' lands. The 21 May decision revoked an injunction dated 18 December 2014 issued by another judge from the Federal Justice Court of Dourados, which required the State to buy 30 hectares of land based on article 26 of Law nº 6001/73 for the Apika'y community, as a temporary measure while awaiting the outcome of the demarcation process. If the 30 hectares of land were bought, the Apika'y families could wait for their territory's demarcation in basic conditions of safety, justice and quality of life. As a result of this ruling, the community would be forcibly evicted and left homeless.

On 9 July 2015 a meeting between the Federal Police, Federal Prosecutor's Office and the National Indigenous Organization (Fundação Nacional do Índio, FUNAI) resulted in an agreement to wait two weeks before carrying out the eviction. On 15 July the State Federal Prosecutor's Office appealed challenging the judicial decision against the Apika'y community. Indigenous people have the right to free, prior and informed consent on all significant decisions affecting their lives including evictions and relocation.

Please write immediately in Portuguese or your own language:

- Calling on the Brazilian authorities not to forcibly evict the Apika'y community and urging that no eviction takes place in the absence of adequate legal and procedural safeguards, including adequate notice, free, prior and informed consent and the provision of alternative accommodation;
- Demanding that they temporarily allocate adequate land to the Apika'y community, while awaiting the conclusion of the demarcation process;
- Demanding the conclusion of the demarcation process of the Apika'y's ancestral lands, according to the proposals and needs of the Apika'y community and in line with the Brazilian Constitution.

PLEASE SEND APPEALS BEFORE 7 SEPTEMBER 2015 TO:

President of the National Indigenous

Organization

Presidente da FUNAI

Sr. João Pedro Gonçalves da Costa

SBS - Quadra 02 Lote 14 Ed. Cleto

Meireles 70.070-120, Brasília/DF, Brazil

Email: presidencia@funai.gov.br

Salutation: Dear President / Exmo Sr.

Presidente

Federal Justice Minister

Ministro da Justiça

Exmo. Sr. José Eduardo Martins Cardozo

Esplanada dos Ministérios, Bloco "T"

70.712-902 - Brasília / DF, Brazil

Email: agenda.ministro@mj.gov.br

Fax: +55 61 2025 7803

Salutation: Dear Minister / Exmo.

Senhor Ministro

And copies to:

Indigenous Missionary Council

Conselho Indigenista Missionário (CIMI)

CIMI Regional Mato Grosso do Sul

Av. Afonso Pena, 1557 Sal um Bl 208.B

79002-070 - Campo Grande/MS

Brazil

Email: cimims@terra.com.br

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.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

According to the Mato Grosso do Sul Federal Prosecutor's Office, living conditions in the camp where the Apika'y Indigenous community live are precarious. The Prosecutor's Office has stated that the community members live in "sheds built with plastic, canvas, wood pieces and any other materials found nearby, with no protection against cold or heat. There are no sanitary facilities nor access to electricity or potable water. Water running in the stream is contaminated by pesticides and is used to cook, shower and wash clothes. Medical care is provided infrequently and there are no other public services provided by the State to ensure the community's basic needs are met. The tiny plot of land on the margins of the highway does not allow any food to grow. The Indigenous community depends exclusively on food aid distributed by the National Indigenous Organization (Fundação Nacional do Índio, FUNAI)."

A 2009 report published on the Apika'y community by the Federal Prosecutor's Office affirmed that "children, youth, adults and elders are subject to degraded conditions which hurt human beings' dignity. The situation they face is similar to a refugee camp. It's like they are strangers in their own country".

According to the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), Apika'y community leader Dona Damiana and her Guarani-Kaiowá peoples are tormented by the deadline local authorities gave them for this eviction. The community received only 10 days' notice before the Federal Police were set to arrive and forcibly evict them from their traditional territory. Dona Damiana has stated that the community members will not leave, saying that the "Justice and government do not understand that our people will never leave our land behind. We just wish to 'be' here, where we have been always living. We will continue to die and be born fighting for our land".

The demarcation process of the Apika'y community's ancestral land is still pending. Studies, including identifying the area as a FUNAI-recognized Indigenous area, have been halted.

Amnesty International has campaigned to protect the rights of the Apika'y Indigenous community for many years, including as part of the annual Write for Rights campaign in Brazil (<https://anistia.org.br/entre-em-acao/carta/comunidade-apikay/>), in a November 2011 Urgent Action when one of the community's leaders was murdered and his relatives threatened (<https://www.amnesty.org/en/documents/AMR19/018/2011/en/>), and in a September 2013 Urgent Action denouncing violations against the Apika'y community (<https://www.amnesty.org/en/documents/AMR19/008/2013/en/>).

Name: Fifteen families of the Apika'y Indigenous community

Gender m/f: both

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