

# URGENT ACTION

## INDIGENOUS COMMUNITY HAVE DAYS TO LEAVE LAND

**The Laranjeira Nãnderu indigenous community, including over 80 children and 30 elderly people, is at risk of eviction from an area they claim as ancestral lands in Brazil. If evicted, the community will be forced to live on a small plot of land near a highway, without adequate access to water, shade or area to plant crops.**

On 27 January, a judge served the Guarani-Kaiowá indigenous community of **Laranjeira Nãnderu** with an eviction order giving them 15 days to leave farmlands which they are occupying pending the resolution of their land claims. The land is located in the municipality of Rio Brillante in Mato Grosso do Sul state. Brazil's Indigenous agency FUNAI (*Fundação Nacional do Índio*) is currently finalising a long-delayed report which represents the first step in the process that will give the community rights to their land, but has failed to deliver their findings in the timeframe stipulated by the judge.

The community has been evicted twice previously. The first time they were evicted was in September 2009 when items belonging to the community were burnt by local farmers and they were forced to set up a makeshift camp next to the BR-163 highway. After two years living in extremely precarious conditions, the transport authorities evicted them from this camp in 2011, and they reoccupied their ancestral lands. Since then local farmers have subjected them to threats and have impeded their access to basic services.

Community member Dona Adelaide said: "I'm not leaving my house to burn again. We are going to stay right here. If the farmer or the federal police officer comes we are going to stay here inside for him to burn us here, along with our house. In a letter to Brazilian judges, the community wrote: "We are in a collective state of fear, desperation and profound pain... we clearly understand that we do not have a chance to survive culturally and physically in this country, Brazil, seeing that at any moment we will be evicted from our ancestral lands."

The Laranjeira Nãnderu community's *tekoá* (ancestral land) forms part of an identification process that should have been completed by the end of April 2011, but which has been repeatedly stalled by legal challenges.

### **Please write immediately in Portuguese or your own language:**

- Call for the immediate suspension of the eviction order, pending a completion of the issuing of FUNAI's report defining the extent of Laranjeira Nãnderu ancestral lands;
- Call for the authorities to ensure the community has adequate access to basic services, including food, water and healthcare, and investigate any allegations of threats against them;
- Urge them to fulfil their obligations under the ILO's Convention 169, the UN Declaration on the Rights of Indigenous Peoples and the Brazilian constitution by completing all outstanding land demarcations.

### **PLEASE SEND APPEALS BEFORE 14 MARCH 2012 TO:**

#### Federal Minister of Justice

Exmo. Sr. José Eduardo Martins  
Cardozo,  
Esplanada dos Ministérios,  
Bloco "T", 4º andar,  
70.712-902 - Brasília/DF,  
BRAZIL.

Fax: + 55 61 2025 7803

Salutation: Exmo. Sr. Ministro

#### Federal Human Rights Secretary

Exma Sra. Ministra Maria do Rosário  
Nunes  
Setor Comercial Sul-B, Quadra 9, Lote C  
Edifício Parque Cidade Corporate,  
Torre "A", 10º andar,  
70308-200 – Brasília/DF, BRAZIL

Fax: + 55 61 2025 9414

Salutation: Exma. Sra. Ministra

#### **And copies to:**

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. This is the first update of UA 294/11. Further information:

<http://www.amnesty.org/en/library/info/AMR19/015/2011/en>

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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-Kaiowá 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 ancestral lands, but have been subjected to intimidation and violent evictions.

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 committed FUNAI to identify 36 different Guarani-Kaiowá ancestral lands - including Laranjeira Nãnderu land - by April 2010. Lack of resources and legal challenges have delayed the identification process which has still not been completed, though FUNAI has recently announced that some of the anthropological studies will be published in March 2012.

Because of the ongoing failure to resolve outstanding land claims, several Guarani-Kaiowá communities 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.

Both the UN Declaration on the Rights of Indigenous Peoples which Brazil signed in 2007 and the International Labour Organization'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 People's rights to their lands and the Union's responsibility to demarcate them.

Name: Laranjeira Nãnderu indigenous community  
Gender m/f: Both

Further information on UA: 294/11 Index: AMR 19/003/2012 Issue Date: 1 February 2012

