

PUBLIC

AI Index: AMR 19/011/2006

16 March 2006

UA 62/06 Fear for safety/ forced eviction

**BRAZIL** About 500 members of the Pataxó Hãhãhãe indigenous community

---

About 500 members of the Pataxó Hãhãhãe indigenous community in Bahia state, northeastern Brazil, are in imminent danger of violent eviction from their ancestral lands. They are occupying the land in protest against the failure of the judicial system to enact its transfer to the indigenous community. Gunmen hired by local landowners are circulating in the area, and Federal Police have gathered around the protesters. Given that recent evictions in similar circumstances have been violent, there are fears that the lives of the Pataxó Hãhãhãe may be in imminent danger.

On 24 January 2006, members of the Pataxó Hãhãhãe community occupied land in the Alegrias region, Itaju do Colônia municipality, in Bahia. Since then, the protest has been joined by Pataxó Hãhãhãe communities from the surrounding area. There are now some 500 indigenous Pataxó Hãhãhãe taking part in the protest. In one incident shots were apparently fired by a hired gunman in the direction of a car that was transporting a sick member of the community to a hospital in the nearby town of Itajú do Colônia. A helicopter has been seen circling overhead, and Federal Police are grouped around the encampment to affect the expulsion.

The occupation is in protest at the inaction of the Supreme Federal Court, which has been deliberating on the status of the lands since 1982, but has yet to produce a definitive ruling. The final ruling hinges on whether current land titles, which were granted to farmers after the land was demarcated, should be annulled. Meanwhile, eight eviction orders have been served on the Pataxó Hãhãhãe protesters. A delegation of Pataxó Hãhãhãe is currently visiting the capital, Brasília, in an effort to overturn the eviction orders. During their 24-year legal battle, 18 leaders of the Pataxó Hãhãhãe have been shot dead. None of the killers have been brought to justice (see UA 321/99, AMR 19/030/99, 16 December 1999, and follow-ups).

#### **BACKGROUND INFORMATION**

The Brazilian constitution obliges the federal government to transfer ancestral lands to the country's indigenous population, and makes it responsible for the land's protection. The complex transfer process under which this is meant to occur is administered by FUNAI, the National Indian Foundation (*Fundação Nacional do Índio*) – the government body responsible for administering the protection of Indians and their land..

The failure of the judiciary to deliver rulings on land claims, and the long delays of claims through the courts, has led to a pattern of human rights abuses against Brazil's indigenous peoples and continued social deprivation. While indigenous groups wait for their claims to be settled, they suffer harassment and intimidation from powerful local landowners. In many instances, after years of inaction in the courts, indigenous people have resorted to direct action, occupying ancestral lands that they have been promised. Several of these occupations have been followed by violent police evictions. In December 2005, the Guarani-Kaiowa indigenous peoples in Mato Grosso do Sul were evicted in a large-scale operation mounted by the Federal Police. In the aftermath of the eviction, property was burned, and the community was harassed (see UA 178/05, AMR 19/016/2005, 28 June 2005, and follow-ups). Ten days after the eviction, a member of the community was shot dead by security guards working for land owners. In Espírito Santo state, police used rubber bullets and tear gas to evict members of Tupinikim and Guarani indigenous communities from ancestral lands, leaving 12 injured. The Pataxó Hãhãhãe community is in danger of similar treatment in the coming weeks.

In January 2006, Amnesty International met Dr Mercio Gomes, the president of FUNAI, expressing concern at the use of violence by Federal Police during evictions of indigenous peoples. Dr Mercio Gomes responded by supporting the actions of the Federal Police, saying that they had to act with determination as they could not be humiliated in such operations, as had happened on occasions in the past. Dr Mercio Gomes further felt he was unable to challenge the Federal Police's methods as he often needed to turn to them to provide protection for indigenous peoples.

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

- expressing your fear for the safety of 500 Pataxó Hãhãhãe Indians in Bahia state who are occupying their ancestral land in protest at judicial inaction;
- urging the authorities to take all necessary action to avoid use of excessive force by Federal Police or by hired gunmen;
- expressing your concern that attempts to block the official process for land transfer and demarcation are leaving Pataxó Hãhãhãe communities in Bahia vulnerable to the threat of eviction, resulting in a continuing pattern of harassment and intimidation by local landowners;
- expressing your concern at the behaviour of the Federal Police during evictions of indigenous peoples which has in the past been violent and heavy-handed;
- expressing your concern that despite the fact that the Pataxó Hãhãhãe territory was demarcated in 1937, and action to annul illegal land titles that had been granted was initiated in 1982, the land still has not been handed over to the Pataxó Hãhãhãe community;
- calling on the authorities to fulfil their constitutional and international obligations to resolve all outstanding indigenous land claims in Brazil.

**APPEALS TO:**

Minister of Justice

Exmo. Ministro da Justiça da República Federativa do Brasil  
Dr. Márcio Thomaz Bastos, Ministério da Justiça  
Esplanada dos Ministérios, Bloco T, 70712-902 - Brasília - DF, Brasil

**Fax:** + 55 61 3322 6817

**Salutation:** Vossa Excelência/ Your Excellency

President of FUNAI (Government Agency for Indigenous People)

Exmo. Presidente da FUNAI  
Mércio Pereira Gomes  
SEPS Quadra 902/702 - Bloco. A  
Ed. Lex - 3º Andar, 70340-904 - Brasília – DF, Brasil

**Fax:** + 55 61 3226 8782

**Salutation:** Exmo. Sr Presidente

Federal Human Rights Secretary

Exmo. Ministro da Secretaria Especial de Direitos Humanos  
Sr. Paulo Vannuchi  
Esplanada dos Ministérios, Bloco T  
70064-900 - Brasília – DF, Brasil

**Fax:** + 55 61 3226 7980

**Salutation:** Vossa Excelência

**COPIES TO:**

Indigenous Missionary Council National Secretariat (Cimi)

SDS Ed. Venâncio III salas 309 a 314  
Brasília – DF, Brasil - CEP 70393-902

**Fax:** + 55 61 21061651

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 April 2006.