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£BRAZIL

@Killings of Members of the Truka and Atikum Indigenous Communities in Pernambuco State

Introduction

Amnesty International is concerned by the killings at the end of 1990 of three members of the Truka and Atikum indigenous communities in the state of Pernambuco and at evidence suggesting official acquiescence or even involvement in these crimes. Repeated attempts by community leaders to draw state and federal authorities' attention to dangers faced by the communities were not met with effective action. Little action was taken against officials charged with protecting the communities who instead, it is alleged, were threatening them with violence.

Amnesty International is calling on the authorities to investigate the recent killings of Truka and Atikum Indians effectively, to investigate allegations of complicity on the part of certain authorities, to bring those responsible to justice and to guarantee the safety of members of the respective communities.

Background

Amnesty International's concerns in these cases arise out of its long term concern at a pattern of impunity for assaults against and killings of leaders of rural and indigenous communities involved in disputes over land in Brazil. Such groups often have traditional rights to land now of interest to more powerful economic groups in the regions they inhabit. These economic groups often in turn have the backing of state level politicians. Indians and peasants living in areas rich in timber and mineral resources or of other strategic economic importance, have been the target of violent attack to intimidate or remove them from such land. The failure of authorities at all levels to investigate effectively or bring to trial those responsible for assaults against or killings of advocates of peasant and indigenous rights, has led Amnesty International to conclude that authorities at a local and state level are acquiescent in these crimes. In some cases evidence suggests that these authorities are directly involved in them. In more than 1,600 reported cases of killings of peasants, and Indians in land disputes since 1964 reportedly only one percent of the defendants have ever been brought to trial; the overwhelming majority of cases have not been fully investigated by police or the judiciary. Amnesty International is concerned that this may amount to official tolerance of abuses towards the peasant and indigenous population, and may encourage further attacks on such vulnerable groups.

In Pernambuco, one of the earliest areas of conquest of Brazil in the 16th century, the survival of original indigenous groups has been precarious. The Truka and Atikum communities are two of seven groupings of indigenous descent in the state. As their land has been increasingly and violently encroached upon by large estates and non-indigenous peasant small-holders, these indigenous groups have struggle to maintain their traditions and defend themselves from these incursions. The communities have also become the victims of violence connected to the illegal marijuana cultivation for which the area has become notorious.

In recognition of the likely hostility between local economic interests and indigenous interests the implementation of indigenous policy in Brazil has, in the main, been entrusted to federal organs. The AI Index: AMR 19/15/91 Amnesty International August 1991

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National Indian Foundation, Fundacao Nacional do Indio, (FUNAI)¹ subordinate to the Federal Ministry of Justice, is charged with protecting and assisting indigenous groups, as well as with demarcating their lands. FUNAI may call upon the Federal Police who have specific competence to "prevent and curb crimes against the lives and land of Indians." The Federal Attorney General's office has, since the passing of the 1988 Brazilian Constitution, been charged with intervening in all court cases involving Indian interests. The attention of federal authorities to such issues has afforded indigenous groups a certain level of protection. One of the first cases of the killing of either peasants or Indians to result in a conviction was that of three Xacriaba Indians killed in Minas Gerais in February 1987, which was heard in 1988 in a Federal court, the first time such a case had been heard at this level, rather than being dealt with in a state court. A landowner and four others were given long prison sentences. Other cases in which Federal authorities have not intervened, and which are being heard in state courts, have suffered lengthy delays² and in many instances have failed to make progress.

In June 1991 the Federal Attorney General's representative in Pernambuco state entered a petition for the two cases involving Antonio Gilvan da Cruz and the da Silva brothers too be transferred to federal jurisdiction, which is permitted in cases involving disputes over indigenous land.

The Killing of Antonio Gilvan da Cruz, Member of the Truka Community

On 28 November 1990 Antonio Gilvan da Cruz, a member of the Truka indigenous community living on the island of Nossa Senhora da Assunção was abducted, tortured, killed and his body mutilated. He was 22 years old. The Truka community believe the local civil police may have been involved in the abduction and killing of Antonio Gilvan da Cruz.

The Truka community had recently protested a local landowner's enclosure of a piece of land they identified as their territory. The landowner, a former state and federal congressman, fenced off his property which included part of the area defined as belonging to the Truka. He erected large locked gates on either side, blocking the use of the public road which runs through the property and access to the river, and mounted a guard there. In July 1990 the gates were burned down, probably by some of the Indians. The landowner then entered the indigenous area on two occasions, accompanied by civil and military police, to seek out the son of the community's political leader, and Antonio Gilvan da Cruz, whom he claimed were responsible for the incident. The state police³ and landowner entered the indigenous area

¹The headquarters of FUNAI are based in Brasilia. FUNAI is divided into five Superintendencies covering the whole country. The state of Pernambuco falls within the Third Superintendency based in the Pernambuco state capital, Recife. Each Superintendency is divided into Regional Administrations headed by a Regional Administrator, responsible for a number of indigenous areas. Each indigenous area is supposed to have one or more "Indigenous Posts" either inside or near them, to attend to the Indian community's day to day needs. These are staffed by an official serving as Head of Indian Post and other FUNAI functionaries.

²One case, concerning the killing of up to 31 Ureu-wau-wau Indians in Rondonia in 1963, has taken 28 years to come to trial. It remains in the jurisdiction of the local court of Guaraja-Mirim, and is apparently expected to be heard in 1991. According to Brazilian penal procedures, the principle defendant has now passed the age whereby a custodial sentence could be given, if he were to be convicted.

³There are three types of police forces in Brazil. The civil (or judicial police) are responsible for investigating crimes. The military police are responsible for maintaining order. Both these forces are organised by state and are subordinate to State Secretaries of Public Security. Federal Police have competence to investigate a limited number of crimes which fall in the federal sphere. Because matters relating to indigenous communities are regarded as a federal concern, only federal police have authority to enter indigenous areas and are required to be accompanied by members of the Indian Protection Agency (Fundação Nacional
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without any official authorization or warrant.

In further negotiations the Indians disputed the enclosure of the land and did not agree to the landowner grazing cattle on it. In response the landowner is reported to have claimed

"Joaquim Francisco, is about to be the Governor. He is a good friend of mine. When he takes office⁴ I'll show these Indians their rights and if they can do what they are thinking."

Photograph of the Truka community in the 1940s, when the community began to claim its land rights

do Indio) FUNAI.

⁴Gubernatorial elections were held on 15 November 1990. Joaquim Francisco de Queiroz Campos, the candidate supported by the landowner, was elected Governor of Pernambuco.

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Photograph of Antonio Gilvan da Cruz (4th from the left) who was abducted and killed on 28 November 1990. He is standing next to his mother Leontina Custodio. To her left is his brother 16-year-old Jose Roberto Custodio, who narrowly escaped abduction.

Joaquim Francisco vai assumir o Governo, ele e muito meu amigo, e quando ele assumir eu vou mostrar para esses Indios, seus direitos e se eles vao fazer o que estao pensando".)

Concerned at increasing death threats being received by various members of the community and at lack of support from local FUNAI offices ⁵, four Truka travelled to FUNAI headquarters in the Brazilian capital Brasilia in August 1990. They returned with an order signed by the President of FUNAI, banning outsiders from entering the indigenous territory, without explicit FUNAI permission. The Truka presented the order to the local FUNAI post, the civil police and a local judge, but it appears that no action was taken by these authorities to enforce the order or to guarantee the security of the community.

At about 4 am on 28 November 1990 a group of about eight armed men in civilian clothes, but some allegedly wearing police issue boots, arrived at the house of the Custodio family, in a remote part of the Truka indigenous area. The men identified themselves to the family as Federal Police (Policia Federal) and demanded that the family open the door; when they didn't, the men fired shots into the house. According to Antonio's mother, Leontina Custodio dos Santos:

"They kept firing and firing, so many shots, and they tried to aim the bullets so that they would enter through the gaps between the wall and the roof".

("Eles ficaram atirando, atirando, tanto tiro, e tentaram fazer com as balas entrasse pelos buracos entre a parede e o teto.")

Several of the men then entered the Custodio home and forced Pedro (Biro) Custodio, the father of Antonio, to stand outside. According to Antonio's mother:

"They shouted that everyone should lie face down on the floor, that anyone who looked round would be killed".

("Gritaram que era pra todo ficar deitado com a cara virada pro chao, que quem olhasse seria morto".)

"They tied up Antonio and grabbed my youngest son, (16-year-old Jose Custodio), I started crying and saying that he was only a minor, that he wasn't old enough to be taken away, and hadn't done anything. He hung onto me and started crying, so they said they'd only take Antonio to make a statement. They left

⁵The government's Indian protection agency, The National Indian Foundation, Fundacao Nacional do Indio (FUNAI) is subordinate to the Ministry of Justice. Its headquarters are based in Brasilia. FUNAI is divided into five Superintendencies covering the whole country. The state of Pernambuco falls within the 3rd Superintendency based in the Pernambuco state capital, Recife. Each Superintendency is divided into Regional Administrations headed by a Regional Administrator, responsible for a number of indigenous areas. Each indigenous area is supposed to have one or more "Indigenous Posts" either inside or near to them, to attend to the Indian community's day to day needs. These are staffed by an official serving as Head of Indian Post, and other FUNAI functionaries.

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with him, tied up like a criminal.. he left alive.. and they did such awful things to my son... he was the one that could defend me, and they did that to him, now my other son is hardly ever at home, he doesn't feel safe here".

("Eles foram e amarraram o Antonio e pegaram meu menino mais novo, eu comecei a chorar e dizer que ele era de menor, que não tinha idade p'ra ser levado, que não tinha feito nada. Ele se agarrou a mim e começou a chorar e então eles disseram que iam levar só Antonio p'ra prestar depoimento e saíram com ele amarrado como se fosse um penitente .. ele saiu vivo e fizeram tanta judição com meu filho... ele é que podia me defender e fizeram isto com ele.. agora o meu menino (mais novo) não fica quase aqui em casa.. ficando sem sossego aqui dentro.")

As they departed with their captive, the intruders fired further shots at the house to deter the family from following them.

At 8am Pedro (Biro) Custodio, Antonio's father, reached the local police station and reported the abduction. At about 8.30 when he was reporting the crime to the local military police barracks he received news that his son's body had been found on the road, just outside the limits of the municipality of Cabrobo in the municipality of Ibo. (The bodies of victims of killings in rural areas are often dumped outside the confines of the local municipality, apparently to complicate the investigation, since all statements then have to be taken in another municipality. In other cases of killings in rural areas that this appears to be the practice when local police are themselves implicated in a killing.)

Besides several bullets in the chest, Antonio Gilvan da Cruz's body showed signs of torture and mutilation. There were cigarette burns all over the body and knife cuts, including what appeared to be a rough inscription with a knife on Antonio's back. One arm and one leg had been broken. One of the youth's eyes had been gouged out and he had been castrated.

The investigation into the killing of Antonio Gilvan da Cruz

Civil police collected the corpse, but apparently did not investigate further, or notify FUNAI or the Federal Police. No post mortem report was later found in police papers dealing with the case. Two weeks later, by which time the community suspected no investigation was being undertaken, a member of the community contacted a non-governmental organization in Brasilia, which alerted FUNAI and Federal Police in Recife. Federal Police visited Cabrobo on 18 December for one day to investigate the crime. Their inquiry concluded on 28 February 1991 that it was impossible to determine the authorship of the crime. It reported that the witnesses to the abduction were unable to identify the assailants. The Custodio family, which believed that the abduction had been in part a police operation, had in fact asked to be to see a line up of local civil police personnel from the three municipalities of Cabrobo, Ibo and neighbouring Belem do São Francisco, to see if they could identify any of those they had seen carry out the abduction. Their request was denied. In March the state public prosecution service called for further investigations by the Federal Police and in May another investigating team went to the area. By July 1991 police had not reported any further progress in the case.

On 17 June 1991 the Federal Attorney for the state of Pernambuco, entered a petition for the case to be

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passed to Federal Courts. The Attorney argued that the crime was a matter for federal competence as it occurred inside an indigenous area and involved dispute over indigenous land; he cited jurisprudence established in the Xacriaba case⁶ for the hearing of such a case in a federal court.

The effect of the killing and mutilation of Antonio Gilvan da Cruz has been to intimidate the entire Truka community. There are particular fears for the safety of members of the families of the cacique (political leader) Joaquim Pereira da Silva and the pajé (religious leader) Pedro Hermenegildo dos Santos, following rumours of the existence of a "death list" of other Truka to be eliminated. The Regional Superintendent of Federal Police in Recife is reported to have said that the landowner suspected by the community of commissioning the killing is known to have returned to the area, but that the man is too violent and dangerous for the police to attempt to arrest him.

Abuses against members of the Atikum Community

The Atikum community, numbering some 4,000 people, live in 16 villages (aldeias) in the municipality of Floresta, Pernambuco. The area claimed by the Atikum (over 15,000 hectares) has been heavily occupied by squatters and larger land claimants. The region has become notorious for the illegal cultivation of marijuana and for the violence of those involved in its commercialisation and distribution. Attempts by FUNAI to demarcate the land have been hampered by violence and threats. The failure to demarcate Atikum land was cited in a FUNAI report in 1985 as one of the principle causes of lawlessness in the area,

"These irregularities are all caused by the general lack of authority which is easily explained by the failure to define the indigenous area".

("Na realidade, estes desmandos todos sao causados pela falta de autoridade, facilmente explicada pela indefinicao do territorio indigena.")

In 1989 the area passed through two of the five stages to formal demarcation (identification and delimitation).

Eight Atikum are reported to have been killed in disputes over land during the last decade. In 1985 two Atikum leaders Jose Atikum and Amilton Pachano specially travelled over 2000 kms to the national capital Brasilia to denounce death threats and seek guarantees for the community's safety. They were killed after they returned to Floresta. Little is known about this case and no-one has been brought to trial for these killings.

The Killing of Abdon Leonardo da Silva and Abdias Joao da Silva

On 28 December 1990 the recently elected chief (cacique) of the Atikum Indians, Abdon Leonardo da

⁶Xacriaba case - see page 2 above.

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Silva, was shot dead in an ambush together with his brother Abdias Joao da Silva. Abdon, aged 29, and Abdias, aged 25, were returning to their village of Serra Uma in the municipality of Floresta, Pernambuco when their car was fired on by three gunmen. Their mother Beatriz da Conceicao witnessed their killing.

"When I heard the shots I ran (to the spot) because I knew my son had been receiving threats".

" Quando escutei os tiros, fui correndo para o lugar, porque sabia que meu filho estava sendo ameaçado"

According to Dona Beatriz the three gunmen threatened to kill her and started firing at her

"Let's shoot her too and bury her with her curs (sons), so that she can't say who did it".

"Atirar nela tambem para ser enterrada junto com os cachorros dela e nao conta quem foi".

Though wounded, Dona Beatriz managed to run into the bushes and hide. She has identified two of the gunmen as being, in one case the son, and in the other, a cousin, of FUNAI functionaries.

The family had considerable difficulty in reporting the killing to the authorities. While being attended in hospital, Dona Beatriz asked another local FUNAI staff member who was accompanying her, to report the killings to the Federal Police and to FUNAI headquarters in Brasilia. He reportedly did not do so. The next day a man who tried to use the local telephone post to report the killings was reportedly prevented from doing so by a relative of another FUNAI staff member and told that it was a good thing that Abdon had been killed and that no-one should report it to the police. The next day two Atikum managed to leave the area and telephone the Federal Police from another telephone post that was not being watched. They were told by Federal Police in the state capital Recife that nothing could be done to investigate until the local FUNAI office notified them of the killings by radio-gram. Yet again on 31 December the same FUNAI staff member refused to send the radio-gram or to let anyone use the radio to report the killings.

There are strong suspicions, raised in documents prepared by FUNAI headquarters in Brasilia, that local FUNAI staff were involved in planning, carrying out and covering up the killings. Abdon da Silva had repeatedly denounced arbitrary acts by local FUNAI staff. This culminated in the temporary arrest in flagrante delicto of one FUNAI staff member in September 1990 and his son, both accused of illegal cultivation of marijuana on Indian lands. According to Abdon da Silva, he and other Atikum leaders had repeatedly been threatened with death by this functionary and others. Although these threats were reported and action sought, the FUNAI Superintendency in Recife failed to take effective action to investigate the reported threats and to ensure the physical integrity of those who believed their lives to be in danger.

Abdon Leonardo da Silva as community leader

In August 1990 the Atikum community had formally elected Abdon Leonardo da Silva as its new chief, or cacique. Earlier elections held in January and February 1990, in which Abdon da Silva had been victorious, were not recognised by local FUNAI staff who had not been present for them, although they

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had reportedly been asked to attend. The new leader promised to seek demarcation of the Atikum land and tackle a series of abuses being committed against the community. One of his proposals was to set up an indigenous police corps⁷, to help protect the community from violent attacks. He himself had been a former military policeman in the state of Paraiba. The community had no faith in local police forces, which themselves allegedly submitted members of the community to arbitrary beatings. When seeking permission for the indigenous police corps, Abdon da Silva reported to FUNAI headquarters:

"Recently there have been some undesirable incidents brought about by the constant presence of soldiers (military police) inside the area. They are not equipped for any kind of dialogue with the indigenous population, and have been involved in arbitrary and other unpleasant behaviour towards defenceless Indians".

("Ultimamente vem ocorrendo acontecimentos indesejáveis face a constante ingerência de soldados na área. Eles sem a menor condição de diálogo tem provocado arbitrariedades e outras maldades com os índios indefesos.")

Abdon da Silva was killed one week after receiving permission from FUNAI and the Federal Police to set up the indigenous police force. In his four months as elected chief Abdon also made concerted attempts to organize the community and to revive certain ethnic traditions and dances.

Allegations against FUNAI staff by Abdon da Silva and others

In the year before his killing, Abdon da Silva had made five trips to the state capital Recife, and two trips to the national capital Brasilia, to denounce irregularities by local FUNAI staff, including the diversion and sale in the neighbouring town of seeds, medicines and building materials which were supposed to be destined for the Indians. He sought the removal of four staff members including the head of the local FUNAI Indian post. He reported having received death threats from FUNAI staff, including the head of the local post, and sought guarantees for his safety. He alleged that the eight Atikum killed since 1980 had all been threatened by a FUNAI functionary prior to their deaths. (He himself had narrowly escaped an attempt on his life in January 1990). In fear for his life, Abdon da Silva spent a large part of 1990 outside the community, sheltering in another Indian area.

In particular Abdon da Silva denounced the activities of one FUNAI staff member, employed as general post assistant at the Atikum Indian Post. The man was alleged to be a notorious gunman, who had sought shelter in the Atikum area after allegedly killing a military policeman in 1968. The Indian community was reportedly asked by another police officer related to the functionary to accept him temporarily in the community. In 1982 the local FUNAI administrator issued him with an 'Indian card' although the majority of the community did not believe him to be an Indian. Such a card would give him rights to land inside the Atikum community. In 1983 he was employed as the FUNAI representative inside the Atikum community. He was accused of a number of irregularities such as diverting and selling supplies supposed to be for the Indians in the neighbouring town; and cultivating marijuana on Indian lands. He was also accused of numerous violent acts and threats against the Indians, including the rape of several Indian girls and threats to relatives who protested. He was alleged to have established a reign of terror in the area.

⁷Indigenous police corps, made up of Indians, were sometimes established to keep order in Indian communities under the Servicio de Proteção ao Índio (SPI) Indian Protection Service (1910-1967), predecessor to FUNAI. These corps were frequently criticised by indigenous communities for being authoritarian, and since 1967 they have not been much in use. Amnesty International August 1991AI Index: AMR 19/15/91

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In January 1986 a regional FUNAI report into "the Madalena family massacre" in the area in December 1985 in which four Indians (Manoel Antonio da Silva, Jose Manoel da Silva , Emidio Manoel da Silva and Antonio Manoel da Silva) were killed and several others wounded, concluded:

"We know from the surviving victims that the staff member was the intellectual author of the sinister plan and his son was in charge of executing it".

("Soubemos das vitimas que o funcionario foi o mentor intellectual do plano e seu filho foi o chefe para a execucao desse sinistro plano".)

The report noted that the FUNAI functionary and his son, constantly accompanied and intimidated witnesses to the extent that

"In the midst of this climate of fear we were hardly able to clarify anything".

("Em meio ao clima de medo, quasi nada conseguimos apurar".)

Although the report recommended the opening of a Federal Police inquiry into the case, no inquiry was opened, nor was any action taken by FUNAI authorities to investigate the matter further or remove the functionary from the area. In October 1987 the then head of the FUNAI post at Floresta fled the area, reportedly in fear for his life, after having received armed threats from the functionary. He was replaced by a relative of the functionary.

Another serious allegation against the same functionary was that in November 1987 he had entered the local police station and killed and hacked to pieces a detainee in one of the cells with complete impunity. Since 1988 the Head of the FUNAI post at Floresta, who was the functionary's relative, reportedly used the local police station as his office.

In April 1990 Abdon da Silva brought this series of violent acts to the attention of FUNAI headquarters in Brasilia (many of which were already on file there) and reported death threats against himself by both this functionary and the head of the FUNAI post in Floresta. Abdon da Silva had received a message from the functionary that he and anyone working with him would be killed "like the Madalena family".

The authorities failure to investigate effectively or take action following death threats to Abdon da Silva.

Both the Attorney General's office and FUNAI headquarters sought an inquiry into the threats Abdon da Silva had reported. In order to protect Abdon da Silva's life, FUNAI headquarters stipulated that the inquiry was to be secret and was not to be carried out by any staff from the Regional FUNAI Administration office in Guaranhuns. Countermanding these instructions, the FUNAI Superintendancy in Recife allowed the inquiry to be carried out by Guaranhuns staff who informed the functionary and the head of the FUNAI post in Floresta that Abdon da Silva was the source of complaints against them. Those carrying out the inquiries did not interview the Indians threatened, but restricted interviews to the two staff members accused and to their relatives. During the course of the inquiry the functionary and his son were

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arrested by Federal Police, and detained for three weeks on charges of marijuana production.⁸ Although by law there is no bail for charges of marijuana cultivation, the FUNAI functionary and his son were released from custody on 9 October 1990, following their arrest on 19 September.

Abdon da Silva held FUNAI responsible for their release which he said directly put his own life at risk. He went so far in a press interview that month as to accuse the local Regional FUNAI Administrator in Guaranhuns, who he alleged covered up for marijuana growing in the region, of planning his death.

"I asked FUNAI several times for guarantees of my safety and the only thing they did was deny me any help, and release the functionary, a gunman employed by FUNAI itself, to kill me. FUNAI knows he will want revenge, because it was we who discovered that he was growing marijuana in the Indian area and reported it to the police."

("Eu pedi varias vezes garantia de vida a FUNAI e a unica coisa que ela deu foi sonegar qualquer assistencia para a gente e mandar soltar o funcionario, pistoleiro contratado pelo proprio FUNAI, para ele vir matar a gente. A FUNAI sabe que ele vai querer se vingar, porque fomos nos que descobrimos que o Cirilo plantava maconha na area indigena e fomos nos que denunciamos ele a Policia".)

Between October and December rumours circulated that Abdon da Silva was about to be killed. A sum of five hundred thousand cruzeiros (US \$3000) were alleged to have been offered to kill him. The Regional FUNAI Administrator was said by a member of the Indian community to have forbidden potential gunmen from killing Abdon da Silva inside the indigenous area; but to have said that outside the indigenous area, it would not be his responsibility. When Abdon da Silva visited the Regional Administrator in Guaranhuns to seek the transfer of the local FUNAI post chief, who had also threatened him, the Administrator reportedly told him to pray that he wouldn't be killed before the new post chief arrived. When he travelled to the state capital Recife in October to seek action from the police, the Regional Superintendent of Federal Police reportedly refused to receive him. He left signed statements at the FUNAI Superintendency and gave press interviews drawing attention to his fears.

As noted, ten days before his killing the community chief received authorization from the Head of Federal Police and from FUNAI in Brasilia to establish an indigenous police corps - to be formed by himself and seven other Indian leaders. The Regional Administrator in Guaranhuns protested to the Recife office by telex that allowing Abdon to mount an indigenous police corps would be "an aberration".

Following the killings of Abdon and Abdias da Silva, the remaining six potential members of the indigenous police corps, who were also part of the new generation of leadership that Abdon da Silva represented, have all had to leave the area in fear of their lives. In January 1991 the Regional FUNAI Administrator in Garanhuns reportedly passed a message to the da Silva family directly from the FUNAI functionary that they did not need to fear for their lives as his next target was Francisco da Silva, another proposed member of the indigenous police force. Francisco da Silva, also known as Ze de Miguel, has since gone into hiding with his family.

Investigations into the Killings

⁸The second internal FUNAI inquiry was concluded in January 1991, after Abdon and Abdias had been killed. It made no mention of the death threats, the alleged killings or narcotics charges, but recommended disciplinary action against the functionary for drawing a salary without turning up to work for two years.

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The victims' mother was immediately able to identify two of the assailants, who were known to her, and the third was identified by another witness. No attempt was made to apprehend the suspects by civil police, however, who claimed that they had no transport. All three suspects were reportedly seen apparently celebrating in a bar in the neighbouring town of Camaubeira the day after the killing, but were left unhindered.

A Federal Police inquiry was eventually opened on 4 January 1991 and concluded on 25 April. The inquiry report stated that, on the orders of the father of one of the accused, - an influential local political figure - local court offices and FUNAI officials had refused to cooperate in providing the full names and details of those to be charged. (Under Brazilian law, for an arrest to be legal, the full names and details of the accused are necessary in the charge sheet). Federal Police nevertheless sought an arrest warrant for the FUNAI functionary; one of his sons; the cousin of the former head of the FUNAI Post at Floresta; and one other man. The local judge ordered the arrest of three of the men, but not the FUNAI functionary. The judge argued that the latter was regularly making court appearances on other charges for marijuana production and thus there was little danger of his absconding.

During the course of the inquiry the Regional Superintendent of Federal Police has repeatedly declared to the press that the killings were a result of rivalry between Indian families and had no political connotations. Local FUNAI staff maintain the same position. When in the course of the inquiry police cited the FUNAI functionary as suspected of commissioning or instigating the killings, local FUNAI representatives protested that the functionary was himself an Indian and that as the matter was between Indians, no Federal Police involvement was called for. (As noted, Federal police have authority to investigate cases of crimes against Indians, but not those that are a result of conflicts between Indians). The local FUNAI office sought and obtained an expert opinion stating that the functionary was an Indian. The majority of the Atikum dispute his 'Indian credentials'. The expert opinion has since been called into question by FUNAI headquarters in Brasilia which has sought a further anthropological analysis.

Reporting on the case, an adviser to the President of FUNAI in Brasilia, concluded:

"This, Mr President of FUNAI and Your Excellency Minister of Justice, is the unfortunate reality of the administration of FUNAI in the Northeast. An administration clothed in lies, in the abuse of power, and discrimination against indigenous peoples, which commits every sort of arbitrary act against indigenous groups, counting on the protection of influential state politicians, doing whatever it wants, including commissioning the killing of those who are inconvenient, such as happened with the Cacique Abdon."

("Essa é, Sr Presidente da FUNAI e Exmo Sr Ministro da Justica, infelizmente a real situação da FUNAI no nordeste, uma administração calcada na mentira, no abuso de poder e na discriminação contra os povos indígenas, que cometem todo tipo de arbitrariedades contra os povos indígenas, dizendo serem eles protegidos de políticos influentes daquele Estado, fazendo o que bem entendem, inclusive mandar matar os que incomdam, como ocorreu com o Cacique Abdon.")

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On 19 June 1991 the Federal Attorney for the state of Pernambuco entered a petition for the transfer of the case to federal jurisdiction. As in the petition concerning the Truka case, the Attorney argued that federal competence was appropriate with respect to a crime against an Indian inside an indigenous area.

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