

PUBLIC

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Fear for Safety

15 July 2005

BRAZIL

**Aurivan dos Santos (m), *cacique* (leader) of the Truká indigenous people
Other Truká people in Pernambuco state**

**Killed: Adenilson dos Santos (m), aged 38, brother of Aurivan dos Santos
Jorge dos Santos (m), aged 17, his son**

Police have arrested the leader of the Truká indigenous people of north-eastern Brazil, and are holding him in a prison where he is reportedly at risk of violence from other inmates. His brother and nephew have been shot dead, allegedly by members of a military police death squad. The gunmen are still at large, and other Truká are believed to be in danger, particularly relatives of the dead men.

Adenilson dos Santos and his son Jorge were killed on 30 June at a party held by the Truká on their territory, in the municipality of Cabrobó, to celebrate the visit of a government minister. The minister had come with the President of the government agency responsible for indigenous people, the *Fundação Nacional do Índio* (FUNAI), National Indian Foundation, to announce that 140 new homes would be built in the territory. According to eyewitnesses, only hours after the government delegation left, four men came into the building where 400 members of the community were attending the party. The men drew guns, and in the ensuing panic, Adenilson dos Santos and his son were shot and killed. Members of the Truká community who identified the armed men say that are all members of an undercover police unit and belong to a "death squad" that operates in Cabrobó. Numerous Truká testified to seeing the men acting suspiciously in the area earlier that day. The police have stated that there was an exchange of fire. Truká representatives have denied this strongly, saying that no one at the party was armed.

On 11 July Aurivan dos Santos went to a nearby federal police station to make a statement about the killing of his brother, and he was arrested. The police justified this on the basis of an arrest warrant issued in 2003 for alleged theft of cattle, which has been contested in the courts, and is currently the subject of a *habeas corpus* petition. The Truká say they had paid for the cattle, and have receipts to prove it.

The Truká believe they are under attack because they have strong leaders, who have unified the people during their struggle for land and because they pose a threat to the organised crime and drug-trafficking organisations that want to operate on their territory. Criminal gangs have planted substantial marijuana crops in the region, and police use this as an excuse to criminalise the Truká themselves, and attack and intimidate them. Local indigenous organisations say they believe the killing of Adenilson and Jorge dos Santos and the arrest of *cacique* Aurivan dos Santos are attempts to destabilise the Truká.

BACKGROUND INFORMATION

The Truká indigenous territory covers nearly 6000 hectares, near the border with the state of Bahia. It is situated on the archipelago of Ilha de Assunção, on the São Francisco river. Approximately 3000 Truká live in the territory, which they began to reoccupy in the mid-1990s. The land has been officially recognised and demarcated in their favour, although it still awaits final presidential ratification. The situation faced by the Truká, who are the largest rice producers in Pernambuco, is particularly problematic due to substantial illegal cultivation of marijuana in the region. For further information on the Truká and Amnesty International's work on indigenous peoples in Brazil see this year's report *Foreigners in Our Own Country: Indigenous Peoples in Brazil*, AMR 19/002/2005.

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

- calling for a full, prompt and impartial investigation into the killings of Adenilson and Jorge dos Santos, and into reports that the killings were carried out by police who are members of a "death squad" operating in Cabrobó;
- calling for the methods and results of the investigation to be made public;
- expressing concern for the safety of the rest of the Truká indigenous community, and calling on the authorities to take all possible steps to prevent further violence against them;
- expressing concern at the arrest of Aurivan dos Santos on the basis of a 2003 arrest warrant, which has been contested through the use of *habeas corpus* in Brazilian courts;
- calling on the authorities to guarantee that Aurivan dos Santos will not be harmed in any way while he is in custody;
- calling for final presidential ratification of the Truká indigenous territory.

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, Brazil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência

Head of the Federal Police

Paulo Fernando da Costa Lacerda
Diretor Geral, Departamento de Polícia Federal
SAS Quadra 6, lotes 09/10 -Ed. Sede/DPF
70037-900– Brasília - DF, Brasil

Fax: + 55 61 3321 9386

Salutation: Exmo. Sr Diretor / Dear Director

Pernambuco State Governor

Exmo. Governador do Estado de Pernambuco
Sr. Jarbas de Andrade Vasconcelos
Palácio do Campo das Princesas
50010-040 – Recife – PE, Brasil

Fax: + 55 81 3425 2259/3424 8826

Salutation: Vossa Excelência / Your Excellency

COPIES TO:

Catholic NGO working for indigenous people

CIMI-NE
Rue Treze de Maio, 288
Santo Amaro
50100-160 - Recife- PE, Brazil

President of the Supreme Court

Exmo. Presidente do Superior Tribunal de Justiça
Exmo. Ministro Edson Carvalho Vidigal
SAFS Quadra 06, Lote 01, Trecho III, 3º Andar
70095-900 – Brasília – DF, Brasil

Fax: +55 61 3319 6567 (If someone answers say "Fax, por favor.")

Salutation: Vossa Excelência / Your Excellency

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 25 August 2005.