

# URGENT ACTION

## INDIGENOUS COMMUNITY STILL AT RISK

**The 170-strong Guarani-Kaiowá indigenous community of Pyelito Kue/Mbarakay in Brazil has been temporarily saved from eviction by order of the regional federal court. But the rape of a woman from the community highlights the continued threats of violence faced by its members.**

The eviction order against the Pyelito Kue/Mbarakay community of the Guarani-Kaiowá indigenous people was suspended by the federal regional court on 29 October, pending the completion of anthropological studies to identify their lands. The suspension upholds appeals by the federal prosecutor's service and FUNAI, the federal government's body which represents indigenous peoples. Federal prosecutors welcomed the national and international campaigns and said they had undoubtedly helped in obtaining the suspension. News of the community's plight spread around the world following an open letter written by community leaders in which they declared that they were prepared to die to protect their lands.

However, members of the community continue to fear attacks and retribution from gunmen reportedly hired by local landowners. On 24 October a woman from Pyelito Kue was raped at the hands of eight gunmen as the motorcyclist that was taking her to the local town of Iguatemi took her instead to a nearby farm, where the gunmen were waiting for her. The woman later informed police that she had been raped repeatedly by the men while a knife was held to her throat. She was then reportedly interrogated about the community at gunpoint before being released, injured and scared. Police are investigating the attack following confirmation of the rape by forensic experts.

Following a meeting with community representatives on 29 October, the deputy head prosecutor [vice-procuradora] of the federal prosecution system, Dr Deborah Duprat, called for a greater provision of state services for the Guarani-Kaiowá. Dr Duprat stated that, "we are facing one of the most complicated indigenous land demarcation processes in the country, because there is strong political and economic resistance in the region." [*Estamos diante da situação mais complicada da demarcação de terras indígenas (TI) do país, pois há na região uma forte resistência política e econômica*].

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

- Calling for the authorities to ensure the community has adequate access to basic services, including food, water and healthcare, and to investigate any allegations of threats against them;
- Urging the authorities to fulfil their obligations under the International Labour Organization (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 13 DECEMBER 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 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. This is the first update of UA 321/12. Further information:

<http://www.amnesty.org/en/library/info/AMR19/016/2012/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 people 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 Pyelito Kue/Mbarakay land – by April 2010. Lack of resources and legal challenges have delayed the identification process which has still not been completed.

Due to 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 ILO'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 Brazil's responsibility to demarcate them.

Name: Guarani-Kaiowá community of Pyelito Kue/Mbarakay, M.B.R  
Gender m/f: both

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