

PUBLIC

AI Index: AMR 19/019/2005

19 August 2005

Further Information on UA 178/05 (AMR 19/016/2005, 28 June 2005) and follow-up (AMR 19/018/2005, 16 August 2005) - Fear for safety/forced eviction

BRAZIL **About 100 members of the Guarani indigenous community on the Floresta ranch, Sombrerito indigenous territory, in the Sete Quedas municipality**

New names: Guarani community in Yvy Katu, in Japorã municipality.

A court order for the eviction of the Guarani people occupying a portion of the Floresta ranch, in the Sombrerito indigenous territory, was overturned on 18 August. However, the Guarani occupying the nearby Yvy Katu territory still face the threat of violent eviction, which could leave them destitute.

The order was overturned by the president of the federal court, third region, in the state of Mato Grosso do Sul. In an e-mail to Amnesty International a local human rights defender, working with the Guarani, wrote:

"All those who supported the Guarani's cause should be happy when they receive this news. Thank you all for your actions. Congratulations. Once again, in such difficult times, of provocation and deprivation of the Guarani, above all due to the lack of policies which guarantee their basic human rights, a victory such as this one, even though it seems small in relation to what they have been fighting for, has an enormous significance! Now we need to continue, so that we can attain the full legal guarantee of their right to the land. We also have to continue to pressure so that we can revert the eviction order against those living in Yvy Katu."

[Felizes devem estar todos que apóiam a causa dos Guarani, como eles receberão essa notícia! Obrigado à ação de todos. Parabéns. Mais uma vez, em tempos tão difíceis, de provação e privação aos Guaranis, sobretudo pela ausência de políticas que lhes assegurem direitos elementares, uma conquista assim, ainda que pareça pequena diante do que historicamente reivindicam, tem um enorme significado! Agora é seguir. Para que conquistem os atos administrativos necessários à garantia de seu território. Agora, também, é buscar apoio no judiciário para reverter a ordem de despejo judicial do Yvy Katu.]

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

- welcoming the judicial decision to overturn an order to evict 100 Guarani people in Sombrerito, in Mato Grosso do Sul state;
- expressing your continued fear for the safety of groups of Guarani Indians living on the Yvy Katu indigenous territories, also in Mato Grosso do Sul state;
- expressing your continued concern that forced eviction from these territories could put these groups of Guarani at serious risk of violence or destitution;
- urging the authorities to take all possible steps to avoid violence and loss of life;
- expressing your concern that indigenous peoples fighting for their right to land continue to suffer threats and attacks and therefore calling on the authorities to fulfil their constitutional and international obligations to resolve all outstanding indigenous land claims in the country.

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

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, Brazil

Fax: + 55 61 3226 8782 (If a voice answers, say "Fax, por favor")

Salutation: Exmo. Sr Presidente

Mato Grosso do Sul State Governor

Exmo. Governador do Estado do Mato Grosso do Sul
Sr. José Orcírio Miranda dos Santos, Parque dos Poderes - Bloco 8
79031-902 - Campo Grande – MS, Brazil

Fax: + 55 67 318 1120

Salutation: Vossa Excelência

COPIES TO:

President of the Federal Court, 3rd Region

Tribunal Regional Federal da Terceira Região
Presidenta do Tribunal, Exma. Sra. Desembargadora
Dra. Diva Malerbi, Av. Paulista 1842, Torre Sul
01310923 São Paulo-SP, Brazil

Fax: + 55 11 3253 0513

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 30 September 2005.