

EXTRA 68/96

Fear for safety

16 May 1996

BRAZIL250 members of the Guarani-Kaiowá indigenous community in Jarará

Amnesty International fears for the safety of some 250 members of the Guarani-Kaiowá indigenous community following a court ruling to evict them from land they have occupied in Jarará, Juti municipality, Mato Grosso do Sul.

In the past, military police have frequently resorted to excessive force in carrying out eviction orders (see background), and concern for the well-being of the Indians is compounded by their renewal of a threat, first made in March 1996, to commit collective suicide rather than be evicted. It is believed that the deadline for the eviction may be 23 May 1996.

The 479 hectares of land they have occupied have already been demarcated as indigenous territory and this was ratified by Presidential decree in 1993. Nevertheless a landowner who also has title to the land is contesting the claim. Courts have ruled that while the case is subjudice the Indians should remain off the land. The Indians, who claim that they have traditionally occupied the land, have been evicted from it by court order three times in the last 10 years.

On 22 March 1996, in desperation at what they called humiliating conditions on the periphery of the town of Juti, they resolved to return to the land, declaring that they would either stay on the land or commit collective suicide.

That month a federal judge of Mato Grosso do Sul, ruled that they should stay on the land, stating "cattle can be sold, indigenous peoples cannot be sold". "The Indians cannot live any more under plastic sheeting on the sides of roads, without any of the necessary assistance to their very survival". On 25 April the Regional Federal Court of São Paulo overturned this decision and ruled once more that the Indians be removed from the land pending the resolution of court proceedings on land titles.

BACKGROUND INFORMATION

Some 26,000 Guarani Indians - divided between the Kaiowá and Nandewa communities live in the state of Mato Grosso do Sul. The state has 22 recognised Indian areas totalling 40,000 hectares with severe overcrowding in many reserves. Whilst the practice of suicide finds some roots in Guarani culture, there has been a dramatic increase in the incidence of suicide amongst the Guarani population in recent years, with 204 registered suicides in 6 years. The figure of 24 suicides in 1994 more than doubled in 1995 to 56. Forty-two percent of these suicides occurred in the 10-19 age range. The World Health Organization estimates the average national suicide rate to be 10 per 100,000 - by extrapolation the Guarani suicide rate would be 298 per 100,000. The wave of suicides is attributed to cultural disorientation, with the breakdown of indigenous culture exacerbated by overcrowding.

Under Brazil's 1988 Constitution "all other titles to indigenous land are considered null and void". Nevertheless in January 1996 the Brazilian Federal Government issued Decree 1775/96 providing procedures for administrative challenges by non-indigenous claimants to indigenous areas already demarcated and ratified by Presidential decree. Amnesty International expressed concern (News Service 13/96, AMR 19/03/96) that the uncertainty created by the Decree might pave the way to violent incursions on indigenous lands, which in the past had lead to assaults, selective killings and massacres of members of indigenous communities.

Amnesty International has also followed with concern the frequent resort to excessive force by military police carrying out eviction orders against peasants occupying land in Brazil. In August 1995 military police killed at least 12 peasants during an eviction operation in Corumbiara, Rondônia state (see UA 198/95, AMR 19/16/95, 11 August 1995) and in April 1996 military police killed at least 19 landless peasants whilst clearing them from a road in Eldorado dos Carajás, Pará state (UA 107/96, AMR 19/16/96, 19 April 1996). In both cases there was evidence that military police extrajudicially executed peasants after they had surrendered. Whilst only federal police are authorized to take action with regard to indigenous peoples, they may call upon military police for reinforcements.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Portuguese or your own language:

- expressing concern for the physical safety of some 250 Guarani-Kaiowá Indians in the village of Jarará, Juti, Mato Grosso do Sul, following the confirmation of an eviction order against them, in view of the pattern of human rights violations in the context of land evictions;
- urging that special sensitivity to their extreme sense of despair is exercised in finding a solution to their plight;
- urging that all possible steps be taken to avoid violence and loss of life;

if possible also:

- urge that international standards to safeguard the basic rights of indigenous peoples, and in relation to the use of force by law enforcement officials, are adhered to in the resolution of this dispute;
- express the view that the Brazilian authorities have a responsibility to prevent the occurrence of further massacres related to land tenure, such as those that occurred in Corumbiara, Rondônia, and Eldorado dos Carajás, Pará, and to bring those responsible to justice.

APPEALS TO:

Minister of Justice

Exmo. Sr. Ministro da Justiça
 Dr. Nelson Azevedo Jobim
 Ministério da Justiça
 Esplanada dos Ministérios, Bloco 23
 70064-900 Brasília, DF, Brazil

Faxes: +55 61 321 5172 / 322 6817 / 226 7980

Telegrams: Ministro Justica, Brasilia, Brazil

Salutation : Vossa Excelência / Your Excellency

President of Regional Federal Court - FAXES ONLY

Sr Presidente do Tribunal Regional Federal da 3 Região
 Ministro Sebastiao de Oliveira

Faxes: +55 11 605 0496

Salutation : Vossa Excelência / Your Excellency

Regional Federal Citizens Procurator

Procurador da República Regional em São Paulo
 Dra Maria Sylvia Ludmann
 Rua Peixoto Gomide no 762/768
 01409-000 São Paulo, SP, Brazil

Faxes: +55 11 285 6986

Telegrams: Procurador Federal, Sao Paulo, SP, Brazil

Salutation : Vossa Excelência / Your Excellency

State Governor Mato Grosso do Sul

Exmo. Sr. Governador do Mato Grosso do Sul

Sr. Wilson Martins

Parque dos Poderes, Bloco B

Campo Grande MS, CEP 79100 Brazil

Telexes: 038 673 192 mspc br

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Telegrams: Governador do Estado, Campo Grande, MS, Brazil

Salutation : Vossa Excelência / Your Excellency

COPIES TO:

Non-governmental organization

Conselho Indigenista Missionario

Caixa Postal 2229

79.002-070 Campo Grande, MS, Brazil

Faxes: +55 67 384 5551

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 15 June 1996.