

URGENT ACTION

INDIGENOUS PEOPLE AT RISK OF EVICTION

Around 250 Guarani-Kaiowa Indigenous people are at risk of eviction from ancestral lands they recently occupied in the Brazilian midwest. If evicted they will be forced to live in precarious conditions by the side of a highway.

On 25 November 2009, the **Guarani-Kaiowa community of Kurussú Ambá**, reoccupied a small part of their ancestral lands on farmlands by the Rio Verde river in the midwestern Brazilian municipality of Coronel Sapucaia. Until then, they had been encamped by the side of the MS-289 highway. On 10 March, a local judge issued an eviction order. Lawyers working on behalf of the Indigenous community lodged an appeal against the decision in the Regional Federal Court, but this appeal has not yet been heard. The Guarani-Kaiowa community of Kurussú Ambá could be evicted at any time

The community has lived by the side of the highway for four years, periodically staging reoccupations. During this period they have been subjected to constant threats and violence. In 2007, during another eviction following a reoccupation, Indigenous leader Xulita Lopes was shot dead by gunmen; later that year another Indigenous leader Ortiz Lopes was also shot dead. In November 2009, the community complained of threats from armed men.

Living conditions on the hard shoulder of the highway are extremely precarious, with inadequate supplies of food, water, basic sanitation and medical care. Since 2007, three children have died of malnutrition in the community.

The farmlands that the Kurussú Ambá community are occupying should already have been identified by the authorities, as a part of an agreement between prosecutors, the federal government and indigenous leaders in 2007. However, a series of legal challenges has stalled this process, placing this community, along with many others, at risk of violent eviction and destitution.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Calling on the federal authorities to challenge all eviction orders which put Indigenous Peoples at risk of violence or destitution;
- Urging the authorities to thoroughly investigate all allegations of threats against the Kurussú Ambá community, and guarantee their security;
- Urging the authorities to fulfil their obligations under the International Labour Organisation'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 2 JUNE 2010 TO:

Federal Minister of Justice
Exmo. Sr. Tarso Genro
Esplanada dos Ministérios,
Bloco "T"
70712-902 - Brasília/DF Brasil
Fax: + 55 61 3322 6817
Salutation: Exmo. Sr. Ministro

Federal Human Rights Secretary
Secretaria Especial de Direitos
Humanos
Exmo. Secretário Especial
Sr. Paulo de Tarso Vannuchi
Esplanada dos Ministérios - Bloco "T" -
4º andar,
70064-900 - Brasília/DF BRAZIL
Fax: + 55 61 3226 7980
Salutation: Exmo. Sr. Secretário

And copies to:

Conselho Indigenista Missionário, (CIMI
= local NGO)
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 check with your section office if sending appeals after the above date.

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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 40,000 Guarani-Kaiowa 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-Kaiowa 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 commits FUNAI to identify 36 different Guarani-Kaiowa ancestral lands - including Kurussú Ambá land - by April 2010, to be handed over. The state government and the farming lobby have opposed the process, exaggerating the amount of land that could be identified as Indigenous in the media, and repeatedly trying to block the process judicially. There are currently over 80 appeals being heard in the Regional Federal Court (Tribunal Regional Federal) involving Indigenous land in Mato Grosso do Sul.

The Kurussú Ambá community is one of several Guarani-Kaiowa communities who have left the overcrowded reservations and set up shacks by the side of the highway, near their ancestral lands. They have been subject to repeated threats from gunmen linked to local farmers. Four community members have been shot and three killed since 2007. Investigations have been inadequate and no one has yet been prosecuted for these crimes. Small children, pregnant women and the elderly have been living for years in totally inadequate housing, with poor healthcare and no access to basic services, including water. The community has repeatedly denounced their situation to local and federal authorities. Lack of any concrete action has resulted in a several attempts to reoccupy their ancestral lands.

Indigenous peoples enjoy specific rights under international standards. The two key standards that deal with Indigenous Peoples' rights are International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples, and the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007. Brazil was an early participant in the UN Working Groups that drafted the Declaration and voted for its adoption, noting that Indigenous Peoples in Brazil "were crucial to the development of society at every level, including the development of spiritual and cultural life for all."

Together, Convention No. 169 and the Declaration on the Rights of Indigenous Peoples provide a robust normative framework. They affirm Indigenous Peoples' right to their traditional lands, along with their right to free, prior and informed consent in relation to developments that may affect these lands.

UA: 89/10 Index: AMR 19/003/2010 Issue Date: 21 April 2010

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