

AI Index: PRE 01/316/2008
12 December 2008

Brazil: Supreme Court vindicates indigenous land rights

The Brazilian Supreme Court's vote in favour of the Raposa Serra do Sol reservation is a victory for all Indigenous Peoples in the country, said Amnesty International today.

However, the organization warned that delays in delivering a final ruling on the case -- scheduled for next year -- means that large-scale rice farmers, who are illegally operating on the reservation, will not be immediately evicted.

"Indigenous People's access to their land is essential for their very survival," said Patrick Wilcken, campaigner on the Brazil team at Amnesty International. "It is imperative that the Brazilian government builds on the Supreme Court's vote by completing the long overdue process of ratification of outstanding lands."

In the past the rice growers have used violence against the indigenous peoples who live on the Raposa Serra do Sol reservation. In May 2008 masked men threw petrol bombs and fired shots, injuring 10 Indigenous People. More recently, there have been further reports of petrol bomb attacks, as well as sightings of men on motorcycles riding close to indigenous areas and firing shots into the air.

"It is essential that all these incidents are thoroughly investigated and indigenous groups are provided full protection while awaiting the Supreme Court's final decision."

Eight out of eleven Supreme Court judges voted to maintain the original demarcation of the Raposa Serra do Sol indigenous reservation as a single, continuous area, after state politicians and local farmers challenged the constitutionality of the reservation.

The vote is a milestone in the thirty year battle of the Makuxi, Wapixana, Ingarikó, Taurepang and Patamona Indigenous Peoples for the recognition of their right to their ancestral lands.

Background Information

Raposa Serra do Sol is a 1.7 million hectare indigenous reservation on the frontier between Brazil and Guyana/Venezuela, home to 20,000 indigenous people, the majority of them Macaxi. The reservation was decreed by President Lula in April 2005, ending a thirty year struggle for the recognition of the lands. During that period, at least twenty indigenous people were killed, hundreds more beaten and their homes and livestock destroyed by local landowners, settlers and members of the military police.

The state government continues to oppose the process of demarcation, supporting illegal settlements in the area and rice farmers who, despite an earlier offer of compensation to leave the area, have illegally maintained their operations on indigenous land. Army officials have also criticised the existence of the

reservation on the grounds that is a threat to national sovereignty. In April, the Supreme Court suspended a federal police operation to evict the rice farmers pending a ruling on an appeal against the ratification process brought by the state government and federal deputies. In August, the Supreme Court hearing was adjourned after one of the judges requested time for further consideration.