

# URGENT ACTION

## INDIGENOUS COMMUNITY FACES EVICTION

**The 170-strong Guarani-Kaiowá indigenous community of Pyelito Kue/Mbarakay – including 70 children – faces imminent eviction from their ancestral lands in Mato Grosso do Sul state, Brazil. If they are evicted, they would end up living in extremely dangerous conditions, camped by the side of a road.**

For almost a year, the Guarani-Kaiowá community of Pyelito Kue/Mbarakay has been occupying two hectares of forest on the banks of the Hovy river, in the Cambará farm in the municipality of Iguatemi, Mato Grosso do Sul state. The community reoccupied this small portion of their ancestral lands in November 2011, after a truckload of gunmen attacked their previous encampment by the side of a dirt track, burning their huts and belongings and firing at the community with rubber bullets. Since the reoccupation, farmers have blocked off entry points and the community has been denied access to schooling, healthcare and deliveries of food supplies.

On 17 September, a regional federal court upheld an eviction order lodged by the farmers. The decision has been challenged by federal prosecutors on the grounds that the judge did not take into consideration that these lands had been traditionally occupied by the group, a fact clearly demonstrated in a technical anthropological report, published by Brazil's indigenous agency (Fundação Nacional do Índio, FUNAI) in March 2012. In other cases, judges have allowed indigenous groups leave to remain on the land while the often long and drawn-out process of land demarcation takes place.

The community has reaffirmed their rights to their ancestral lands and vowed to resist any attempts to remove them. In an open letter to the Brazilian government and the judiciary, the community wrote: "We know that we will be driven out from the side of the river by the courts, but we have decided that we will not leave. As a native, historically indigenous people, we have decided that we will be killed here together."

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

- Calling for the immediate suspension of the eviction order, pending a completion of the issuing of FUNAI's final report defining the extent of Pyleito Kue/Mbarakay ancestral lands;
- Calling for the authorities to ensure the community has adequate access to basic services, including food, water and healthcare, and investigate any allegations of threats against them;
- Urging them 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 7 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 check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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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  
Gender m/f: both

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