

URGENT ACTION

INDIGENOUS GROUP ATTACKED BY ARMED MEN

Around ten armed men attacked the Guarani Kaiowa Apyka'y community near Dourados, in the state of Mato Grosso do Sul. Shots were fired indiscriminately at the community's encampment, a shack was set alight and members of the community were physically and verbally threatened. The Indigenous group, who have been camped by the side of the highway since being evicted from their ancestral lands in April 2009, fear further violence.

The community of 15 Apyka'y families was attacked at one AM on 18 September. A 62-year-old indigenous man was shot in the leg; a woman suffered injuries to her back after being beaten, and a dog was shot dead. The men set fire to one of the shacks, burning it down and destroying a family's possessions. During the attack one of the armed men told members of the community that if they did not abandon the encampment, there would be deaths and that it wasn't the federal police but the "company police" who controlled the area.

The federal prosecutors who have opened an inquiry into the incident are investigating the possibility that the attack was carried out by security guards working for the company *Gaspem Segurança* – a security company often hired by farmers in the region to guard properties. Guards employed by the security company have been charged with the killing indigenous leader Dorvalino Rocha in December 2005 and were accused by federal prosecutors of the killing of Xurete Lopes in January 2007.

The Apyka'y Guarani-Kaiowa community have tried to reoccupy their ancestral lands several times since they were forced off by farmers in the 1990s. Their most recent attempt was in June 2008, but they were forced to move back to the side of the highway which runs past their ancestral lands in April 2009 after the landowner served them with an eviction order. Their lands, which are now used to cultivate sugar cane, have been earmarked for identification (the first step in the demarcation of Indigenous lands) in a process started by the federal authorities in 2007, but repeatedly blocked by the state government and the local rural lobby. The community remain camped by the side of the highway opposite the *Gaspem* security guard post which has allegedly been put in place to protect the cane plantations and to discourage further occupations.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- demand that the authorities guarantee the community's security and ensure that they have adequate food, water and shelter while they remain encamped on the highway;
- call on the authorities to begin a wider investigation into the operations of *Gaspem Segurança* – a company with a long track record of committing human rights violations against Indigenous peoples;
- urge 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 06 November TO:

Federal Minister of Justice

Exmo. Sr. Tarso Genro
Esplanada dos Ministérios,
Bloco "T"
70712-902 - Brasília/DF Brasil

Fax: + 55 61 3322 6817
+ 55 61 3224 3398

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 Brasil

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 Brasil

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 60,000 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 Apyka'y community land - by April 2010, for future demarcation. The agreement was vehemently opposed by state government and the farming lobby. After the signing of the TAC, the state governor André Puccinelli threatened not to honour the accord and the acting vice-governor, Jerson Domingos, inflamed the situation by warning the process would inevitably lead a "bloodbath", with conflict between the police, the Indians and the land owners. Local farming interests 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.

Because of the ongoing failure to resolve outstanding land claims, several Guarani Kaiowa communities have ended up reoccupying the lands. There has been a series of evictions leaving the groups living beside highways in front of the farmlands they are claiming. With precarious living conditions and no access to their crops or potable water, they are exposed to threats from security guards hired to prevent them from trying to reoccupy the land. Irregular security companies, many of whom are effectively acting as illegal militias in the service of landowners or agro-industry, have been involved in many human rights abuses in rural Brazil and remain a serious threat to both Indigenous peoples and rural workers fighting for their right to land.

Both the UN Declaration on the Rights of Indigenous Peoples which Brazil endorsed in 2007 and the International Labour Organisation'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 also affirms Brazilian Indigenous People's rights to their lands and the Union's responsibility to demarcate them.

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