

PUBLIC

AI Index: AMR 19/035/2005

08 December 2005

Further Information on UA 178/05 (AMR 19/016/2005, 28 June 2005) and follow-ups (AMR 19/018/2005, 16 August 2005; AMR 19/019/2005, 19 August 2005; AMR 19/020/2005, 19 September 2005) - Fear for safety / forced eviction

BRAZIL Members of Guarani indigenous communities in Mato Grosso do Sul state

Guarani community of Ñanderu Marangatu (also known as Cerro Marangatu), Antonio João municipality

Hundreds of members of the Guarani indigenous community of Ñanderu Marangatu, in Mato Grosso do Sul state, southwestern Brazil, are at imminent risk of being evicted from their ancestral lands. If the eviction takes place, they would lose the land on which they live and grow their crops, which would leave them destitute.

If evicted, the Guarani would effectively lose their homes and livelihood, leaving them with virtually no place to go -except for improvised shelters by the roadside- and little means to feed their children. They perceive their prospects as so dire that on an earlier occasion the members of the community have threatened to commit mass suicide if an eviction would be enforced.

The community, which numbers some 400 people, were allocated the Ñanderu Marangatu indigenous territory in October 2004. They had faced being evicted from their land earlier this year, shortly before their crops were due to be harvested (see UA 13/05, AMR 19/001/2005, 18 January 2005, and follow-ups). However, on 29 March, President Luiz Inácio Lula da Silva signed an official declaration ratifying Ñanderu Marangatu as indigenous land -the penultimate step in the official land transfer process. Since then, various judicial challenges have delayed the formal handover of the land. The continuing delays in the process of handing over the land are said to be a constant source of insecurity for the Guarani indigenous community.

In early November, out of frustration with the delay in the ratification of Ñanderu Marangatu as indigenous land and as a last resort, members of the Guarani community of Ñanderu Marangatu reportedly peacefully occupied two tracts of land which form part of the indigenous territory they have been allocated. These two tracts, currently occupied by ranches, adjoin the overcrowded 26-hectare plot of land where the Guarani community now lives. In response to the occupation of the land, a Federal Judge in the town of Ponta Porá, Mato Grosso do Sul, ordered the eviction of the Guarani from all the lands they occupy within the indigenous territory. Reportedly, the Federal Police, based in Campo Grande, has started mobilizing officers and resources to enforce the judicial eviction order.

The process of demarcating the indigenous land is slow, and it is possible that further judicial challenges might be raised in an attempt to block the Indians from becoming rightful occupants of their ancestral land.

BACKGROUND INFORMATION

The Brazilian constitution obliges the federal government to transfer ancestral lands to the country's Indian population, and makes it responsible for the land's protection. The complex transfer process under which this is meant to occur is administrated by FUNAI, the National Indian Foundation (*Fundação Nacional do Índio*) – the government body responsible for administrating the protection of Indians and their land. It includes identification, delimitation, demarcation, ratification and registration of lands. Identification is carried out by a technical team overseen by an anthropologist named by FUNAI. The President of FUNAI will, if appropriate, approve the study. A period of 90 days is left for interested parties to contest the report. It then falls to the Minister of Justice to approve or decline the identification study. If approved, the Minister of Justice will make

an official declaration delimiting the area, and determining its physical demarcation. The final steps are ratification of the area by presidential decree, and its official registration.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:

- expressing concern for the safety of 400 members of the Guarani indigenous community of Ñanderu Marangatu, in Mato Grosso do Sul state, who would lose their homes and livelihood if they are evicted from their ancestral lands;
- calling for the judicial eviction order concerning the Guarani community of Ñanderu Marangatu to be withdrawn immediately;
- expressing concern that attempts to block the official process for land transfer and demarcation are continuing to leave Guarani communities in Mato Grosso do Sul state vulnerable to the threat of eviction;
- calling on the authorities to fulfil their constitutional and international obligations to resolve all outstanding indigenous land claims in Brazil.

APPEALS TO:

Minister of Justice

Exmo. Ministro da Justiça da República Federativa do Brasil
Dr. Márcio Thomaz Bastos, Ministério da Justiça
Esplanada dos Ministérios, Bloco T
70712-902 - Brasília - DF, Brasil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência/ Your Excellency

President of FUNAI (Government Agency for Indigenous People)

Exmo. Presidente da FUNAI
Mércio Pereira Gomes
SEPS Quadra 902/702 - Bloco. A
Ed. Lex - 3º Andar
70340-904 - Brasília – DF, Brasil

Fax: + 55 61 3226 8782

Salutation: Exmo. Sr Presidente

Mato Grosso do Sul State Governor

Exmo. Governador do Estado do Mato Grosso do Sul
Sr. José Orcírio Miranda dos Santos
Parque dos Poderes - Bloco 8
79031-902 - Campo Grande – MS, Brasil

Fax: + 55 67 3318 1120

Salutation: Vossa Excelência

COPIES 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 19 January 2006.