

URGENT ACTION

FEAR FOR SAFETY OF DETAINED INDIGENOUS CHIEF

On 10 March, Brazilian Federal Police officers arrested indigenous chief Rosivaldo Ferreira da Silva from his home, and threatened him with death. He may be at risk of torture and his detention has increased tension in the region.

Indigenous chief Rosivaldo Ferreira da Silva, also known as "Babau", represents around 130 families in the Tupinambá community of Serra do Padeiro, in north-eastern Brazil. He was arrested by heavily armed Federal Police officers at his family home very early on 10 March.

In a statement to Federal Prosecutors, Babau described how two unidentified men confronted him at his front door in the early hours of the morning. Fearing a kidnapping, he struggled with them and was violently attacked, leaving him with bruising on his eye and his body, suggesting the use of excessive force. Only then did the men identify themselves as federal police officers and he immediately surrendered himself to them. Babau also stated that the officers threatened to kill him, forced him to take a pill and destroyed furniture in his house.

The Federal Public Prosecutor is now filing a habeas corpus on behalf of Rosivaldo Ferreira da Silva, demanding that he is brought before a court or released. Babau has been charged with attempted homicide, threats, gross bodily harm and arson, amongst other crimes. Local human rights and indigenous groups have stated that this is part of an effort to criminalize the Tupinambá community and their fight for their land rights.

The Tupinambá have reported previous cases of torture and excessive force at the hands of the Federal Police. In June 2009, forensic examinations showed that five Tupinambá had been tortured while held in detention by the Federal Police. Amnesty International fears that Babau is in danger of being similarly tortured.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- expressing concern for the safety of indigenous chief Babau, his family and the Tupinambá Serra do Padeiro community, and urging that measures to guarantee their safety are put in place according to their wishes;
- urging the authorities to order thorough, independent investigations of all allegations of excessive use of force by the federal police, and bring those responsible, including those in command, to account;
- urging the government agency responsible for Indigenous Peoples, FUNAI, to conclude the identification process of the Tupinambá indigenous community land; and expressing concern that delays in the official process for land transfer and demarcation are leaving Tupinambá communities in Bahia vulnerable to human rights violations;
- urging the authorities to give Babau a fair trial and give him access to any legal and medical assistance he needs.

PLEASE SEND APPEALS BEFORE 23 APRIL 2010 TO:

Minister of Justice

Exmo. Ministro da Justiça
da República Federativa do Brasil
Sr. Luiz Paulo Teles Ferreira Barreto
Ministério da Justiça
Esplanada dos Ministérios, Bloco T,
70712-902 - Brasília - DF, Brazil
Fax: + 55 61 3224 3398

**Salutation: Vossa Excelência/
Your Excellency**

President of FUNAI

(Government Agency for Indigenous
People)
Exmo. Presidente da FUNAI
Sr. Márcio Augusto Freitas de Meira
SEUPES Quadra 902/702 - Bloco. A
Ed. Lex - 3º Andar,
70340-904 - Brasília - DF, Brazil
Fax: + 55 61 3313 3857

Salutation: Exmo. Sr Presidente

And copies to:

Indigenous Missionary Council (Cimi)
Rua Jose Bonifacio 336, B. Santo
Antonio
45600 -000 Itabuna - Bahia, Brazil

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 295/08. Further information: <http://www.amnesty.org/en/library/info/AMR19/013/2008/en>

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ADDITIONAL INFORMATION

In 2000, the Tupinamba began the fight for their constitutional right to their ancestral lands. Since then, they have staged a series of retomadas (reoccupations of ancestral lands). Some of the communities have settled on land that was being reportedly used, with the apparent support of local politicians and businesspeople, for illegal logging operations. Delays by the government agency responsible for Indigenous Peoples (called FUNAI) in formally identifying lands have led to a series of confrontations with the Federal Police.

There are severe delays in FUNAI's completion of the identification of ancestral land claims, and the judiciary have failed to deliver rulings on these. While indigenous groups wait for their claims to be settled, they suffer harassment and intimidation by landowners, and are driven into extreme poverty. After years of inaction in the courts, many indigenous people have resorted to direct action, occupying ancestral lands that they have been promised.

On 20 October 2008, Federal police went into the village to inspect areas where an eviction order was about to be served. According to the police the Tupinambá ambushed them during the inspection, but the community claim they were shot at while leading police to the centre of the village. By the end of the confrontation three members of the community had been injured by rubber bullets and a police car had been damaged. The federal police returned in force in the morning of 23 October. Over 100 police, with more than 30 police cars and a helicopter, sealed off the area, preparing to go in and arrest Babau, whom they accused of orchestrating the "ambush." During the operation police fired teargas and injured over a dozen of the Tupinambá. According to Magnólia Silva, "They invaded our house and turned everything upside down. They were carrying skewers, knives and machetes." (See UA 295/08, AMR 19/013/2008, 24 October 2008).

More recently, On 2 June 2009, five Tupinambá indigenous people were arbitrarily detained and tortured by members of the federal police. Ailza Silva Barbosa, Osmario de Oliveira Barbosa, Alzenar Oliveira da Silva, Carmerindo Batista da Silva and José Otavio de Freitas Filho, were reportedly tortured in an attempt to extract confessions to a murder. They say they suffered beatings, kickings, and electro-shock treatment on their back and genitals. Their allegations were later confirmed by forensic examinations performed on them in Brasilia at the request of the federal prosecutor's office.

The detention of Babau happened two days after a meeting took place between the Federal Police, all the Tupinamba indigenous chiefs and the FUNAI (The Federal body responsible for Indigenous Peoples in Brazil) in Ilhéus, in Bahia State. The aim of the meeting was the creation of adequate non violent mechanisms during the repossession of the areas occupied by the Tupinambá community in the Bahia State.

Amnesty International wrote to the Minister of Justice of Brazilian on July 2009 expressing serious concern for the incident and welcoming the promise from the Ministry of Justice that he was going to set up a special investigation into the allegations of torture as well as into the homicide that led to the detention and torture of the five. However, following an investigation, the Federal Police officers accused of torture were absolved.

FU on UA: 295/08 Index: AMR 19/001/2010 Issue Date: 12 March 2010

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