

£BRAZIL

@Human Rights Violations Against Indigenous People: Ticuna Four Years On. Follow up Information

March 1992 marked the fourth anniversary of the killing, on 28 March 1988, of 14 Ticuna indigenous people and wounding of 23 others at Boca do Capacete, Benjamin Constant, Amazonas State. At the time of the killings Amnesty International expressed its concern that all steps should be taken to ensure that the case was promptly and fully investigated and those responsible brought to trial (See AMR 19/12/88, November 1988, "Cases of Killings and ill-treatment of Indigenous People" and AMR 19/18/91, June 1991, "Indigenous People: Ticuna follow up Information"). Amnesty International is seriously concerned that four years after the incident, those responsible for the killing and wounding of the Ticuna indigenous people have not yet been brought to justice, and that the delay may help to create a climate of impunity conducive to further attacks on indigenous people.

On 28 March 1988 at about 1:00 pm approximately 100 men, women and children from the Ticuna community of São Leopoldo, Bom Pastor, Novo Porto Lima and Porto Espiritual, were attacked by a group of armed men (civilizados, as the non-indigenous people are called by the Ticuna) allegedly led by a local lumber merchant, at Capacete, just outside the indigenous area of São Leopoldo in Amazonas state. The Ticuna started to run for cover from the gunfire, some headed into the forest and some tried to escape in canoes. Fourteen Ticuna were killed in the incident and 23 were injured. Most of those killed had tried to escape by boat and were shot. Only four of their bodies, including several children, were ever recovered.

The dead were:

1. Natalio Avelino, 29 years, Novo Porto Lima
2. Marcos Anisio Galdino, 30 years, São Leopoldo
3. Jucá Luciano Estevo, 29 years, Porto Espiritual
4. Raimundo Mariano, 18 years, São Leopoldo
5. Angelito Luciano Moçambite, 34 years, Porto Espiritual
6. Davi Moçambite, 47 years, Porto Espiritual
7. Agripino Cruz Nicanor, 24 years, Porto Espiritual
8. Valentino Ernesto Julião, 32 years, São Leopoldo

9. Jordão Joaquim Lourenço, 32 years, Novo Porto Lima
10. Lourenço Mariano Bernardo, 8 years, São Leopoldo
11. Getúlio Alberto Ignácio, 12 years, Novo Porto Lima
12. Aldemir Marcos Tomas, 9 years, Porto Espiritual
13. Lourenço Almeida, 10 years, Novo Porto Lima
14. Batista Alves Ignácio, 10 years, São Leopoldo

Judicial proceedings in the local court of Benjamin Constant have been subjected to lengthy delays. It took the court over a year to officially inform the accused of the charges and to give them time to appeal or contest them. At the end of 1990 - over two and a half years later - the judge of Benjamin Constant indicted 13 men for the killings, including the local timber merchant accused of masterminding the attack, ruling that they should be tried by a jury (Tribunal Popular do Júri).

The Brazilian Bar Association of Amazonas State has, since 1988, argued that conditions do not exist in the judicial district of Benjamin Constant or in neighbouring districts, for the case to be tried impartially because of the prevailing atmosphere of hostility from the local population against indigenous people, and asked that the case be transferred to the state capital Manaus. In 1991 the local public prosecutor (Promotor de Justiça) of Benjamin Constant requested the trial to be transferred (desaforamento) to Manaus. Rejecting the prosecutor's request, the local judge set it to take place in November 1991 in Benjamin Constant. Following the judge's decision, the local public prosecutor obtained an injunction from the state Justice Court, (Tribunal de Justiça) which postponed the start of the trial until a decision was reached by the higher court on the prosecutor's request. By the end of March 1992, the state Justice Court, which has to rule on the change of venue, had not yet received the case from the local judge, who has to give his advice on the prosecutor's request. The delay in sending the case to the Justice Court is reportedly due to the fact that the defence lawyer has been away from Benjamin Constant for several months.

In a reply to letters from Amnesty International members expressing concern at delays in bringing the case to trial, an advisor to the Governor of Amazonas Sr Gilberto Mestrinho stated that under the principle of separation of powers the state government had to respect the independence of the judiciary and that proceedings were being conducted according to the principles of fair trial. The reply also stated that Governor Mestrinho was concerned about Brazil repeating the atrocities against indigenous populations that took place in countries where today people and organizations hypocritically pretend to teach mankind and Amazonas state in particular how to deal with indigenous matters.

General Background

It is officially estimated that there are some 220,000 indigenous people living in Brazil today, from an estimated 5 million at the time of the Portuguese conquest in 1500. In 1957 the

Brazilian anthropologist Darcy Ribeiro estimated that some 87 indigenous groups had become extinct between 1900 and 1957. It is estimated that there are at present some 170 different tribes - some now reduced to very small numbers. The majority live in the Amazon basin. As the Amazon undergoes rapid economic development with mining and hydro-electric projects, large scale commercial farming and timber trading, the remaining indigenous people face continual encroachment on their ancestral lands. This has led to outbreaks of diseases to which these groups are not immune, and to violent conflicts and killings. Amnesty International does not take a position on disputes over competing land claims, but is concerned about the failure of authorities in Brazil to bring to justice those responsible for numerous and persistent attacks on indigenous people which occur in the context of land disputes.

The Ticuna live in the Upper Solimoes region of Brazil in the extreme west of the country bordering Perú and Colombia. They have a population of about 20,000, which makes the Ticuna the largest of Brazil's indigenous groups. They live in 70 communities in Amazonas State. The region has undergone continuing social and economic development which has resulted in the Ticuna establishing a close relationship with the general population to whom they sell their products. Indigenous lands have come under increasing threat of invasion from timber merchants, rubber tappers, landowners and fishermen, and for many years the Ticuna have been in conflicts with these groups.

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