

PUBLIC

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UA 295/08 Fear for safety/fear of torture or other ill-treatment

BRAZIL **Rosival Ferreira da Silva (m), indigenous chief, known as "Babau"**
Jurandi Jesus da Silva (m), his brother
Glicéria da Silva (f), his sister
Members of the Tupinambá indigenous community of Serra do Padeiro

Federal police officers attempting to detain indigenous chief Rosival Ferreira da Silva, known as "Babau," have used excessive force against his family and other members of the Tupinambá community of Serra do Padeiro in the state of Bahia, raising fears that if he is arrested he will be tortured. His brother Jurandi was detained and beaten on 23 October, and the situation in the region is very tense.

Federal police went into the village on 20 October 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." (*Eles invadiram nossa casa e reviraram tudo. Carregaram espetos de assar carne e algumas facas e facões*) Police ill-treated Babau's other sister, Glicéria da Silva, during the operation.

Jurandi da Silva was arrested as he drove a FUNASA (national health foundation) bus of community members, including a pregnant woman and a newborn baby, to the local health centre. The women and children were forced to walk 20km back to the community. According to community members, police later beat Jurandi so severely that they had to take him to hospital.

The Tupinambá have blocked access roads to Serra do Padeiro in protest against the operation. There is now real fear that the federal police will use further excessive force.

Various Tupinambá communities have been suffering threats of eviction after the government body responsible for indigenous affairs, FUNAI, failed to meet a court deadline for submission of a report identifying Tupinambá indigenous community land. Federal police have evicted Tupinambá from three sites they had settled. Several of these sites had been settled for so long that the communities had built houses and schools, and planted crops. The police were preparing to evict the community at Serra do Padeiro on 22 October. FUNAI has now obtained a court order to suspend the evictions for a further 180 days, but federal police continued the operation to arrest Babau.

The Tupinamba began the fight for their constitutional right to their ancestral lands in 2000. Since then, they have staged a series of *retomadas* (reoccupation of ancestral lands) both near the coastal town of Olivença to the south of the state capital of Bahia, Salvador, and in a mountainous region of old cacao plantations inland. Some of the communities have settled on land that was being used, with the support of local politicians and

businesspeople, for illegal logging operations. Delays in formally identifying lands have led to a series of confrontations with the Federal Police.

BACKGROUND INFORMATION

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.

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

- expressing concern for the safety of the Tupinambá Serra do Padeiro community;
- 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 FUNAI to conclude the identification process of the Tupinambá indigenous community land;
- expressing concern that delays in the official process for land transfer and demarcation are leaving Tupinambá communities in Bahia vulnerable to human rights violations;
- expressing concern for the safety of indigenous chief Babau and his brother Jurandi;
- urging the authorities to observe due process if Babau is arrested, and investigate claims that Jurandi was beaten in detention;

APPEALS TO:

Minister of Justice

Exmo. Ministro da Justiça da República Federativa do Brasil

Sr. Tarso Genro, Ministério da Justiça

Esplanada dos Ministérios, Bloco T, 70712-902 - Brasília - DF, Brazil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência/ Your Excellency

President of FUNAI (Government Agency for Indigenous People)

Exmo. Presidente da FUNAI

Sr. Márcio Augusto de Meira

SEUPES Quadra 902/702 - Bloco. A

Ed. Lex - 3º Andar, 70340-904 - Brasília – DF, Brazil

Fax: + 55 61 3226 8782

Salutation: Exmo. Sr Presidente

Federal Human Rights Secretary

Exmo. Ministro da Secretaria Especial de Direitos Humanos

Sr. Paulo Vannuchi, Esplanada dos Ministérios, Bloco T

70064-900 - Brasília – DF, Brazil

Fax: + 55 61 3226 7980

Salutation: Vossa Excelência

COPIES TO:

Indigenous Missionary Council (Cimi)

Rua Jose Bonifacio 336, B. Santo Antonio

45600 -000 Itabuna – Bahia, Brazil

Fax: + 55 73 3212 1171

and 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 5 November 2008.