
amnesty international

BRAZIL

**INDIGENOUS LEADERS MARKED
FOR DEATH**

The killing of Francisco de Assis Araújo

'Killing Indians would make things easier for them...'
Interview with Francisco de Assis Araújo ("Chicão") in 1993

The killing of Francisco de Assis Araújo

On 20 May 1998, Indigenous leader Francisco de Assis Araújo, known as "Chicão" was killed by a gunman in Pesqueira, Pernambuco state. The day he was killed, he was visiting a sister with members of his family, in the Xucuru neighbourhood of Pesqueira. His family had already gone into the house, and Francisco de Assis Araújo was parking the car when he was shot at by a gunman. He was hit in the head and back by five bullets and died immediately.

Francisco de Assis Araújo was a vocal campaigner for the rights of Brazil's beleaguered indigenous population. In particular he defended the land claims of his own indigenous group, the Xucuru, whose traditional lands in the northeastern state of Pernambuco have been encroached upon by large ranches. As a consequence of his campaigning activities, both on behalf of the Xucuru, and as Coordinator of the regional indigenous rights group, *Articulação dos Povos Indígenas do Nordeste, Minas Gerais e Espírito Santo* (APOINME), he had been receiving death threats since 1989. In 1992, following the murder of one of their relatives, José Everaldo Rodrigues Bispo, a number of Xucuru

Indians went to the house of the alleged killer to look for evidence. They found a handwritten list containing 21 names of Xucuru Indians including that of the dead man, and of Francisco de Assis Araújo. Threats have also been made against other Xucuru indigenous leaders, and are believed to come from local landowners and their sympathisers. Most recently, on the day of Francisco de Assis Araújo's funeral, his sister received an anonymous phone-call in which the caller laughed at the death of her brother, and warned her cousin, a local city councillor, Antônio Pereira de Araújo, known as "Toninho", would be next to die.

After Francisco de Assis Araújo's death, federal police were dispatched to the area to conduct investigations. These have since halted, despite evidence to suggest that the killing was directly linked to disputes over indigenous land. Crimes against indigenous peoples fall under federal jurisdiction according to the 1988 Constitution. However, the federal police are arguing that the case falls outside their jurisdiction as it did not occur in an indigenous area. Although three eye-witnesses have described the gunman, the local civil police currently investigating the case have so far failed to come up with an artist's impression of the suspect. The police are reported to be pursuing their enquiries on the basis that the killing was either a crime of passion, or an internal Xucuru dispute.

Given Brazil's record of almost total impunity for human rights violations against indigenous groups, Amnesty International is calling on the Brazilian Government to ensure that Francisco de Assis Araújo's killing is thoroughly and independently investigated by federal police, and that anyone found responsible is brought promptly to justice.

Amnesty International is also calling for all death threats against Xucuru indigenous leaders to be immediately and thoroughly investigated and for protection to be provided to those who may be at risk.

The organization further calls upon the Brazilian Government to meet its responsibility to protect indigenous communities and to make explicit what steps it is taking, especially in areas where there is still uncertainty surrounding demarcations. Such measures should include the adequate allocation of resources to the government indigenous agency *Fundação Nacional do Índio* (FUNAI), National Indian Foundation to enable it to carry out its responsibilities.

Xucuru traditional land

Please send courteously worded letters

fluent, otherwise in your own language. F Interview with Francisco Assis de Araújo ("Chicão") in member of Amnesty International to the 1993

Francisco de Assis Araújo is the third person in six years who is believed to have been killed in connection with the dispute over Xucuru territory. Tension has been high in the area since 1989 when the demarcation process¹ began with the appointment of a "technical working group" - a group of anthropologists and other professionals appointed by FUNAI to work with the indigenous groups to identify and demarcate their lands.

The Xucuru indigenous group, with a population of 7,500, currently occupies only 2,000 hectares of the 27,000 hectares demarcated by FUNAI, as Xucuru land. The remaining land has been taken up by 181 ranches. As a consequence, the Xucuru have been reoccupying the land in what are known as "*retomadas*" in order to assert their rights.

On 4 September 1992, José Everaldo Rodrigues Bispo was murdered in Cana Brava, allegedly as a result of his involvement in a *retomada* of part of a ranch. On 14 May 1995, when FUNAI began to demarcate - that is, fence off, the land, a FUNAI lawyer monitoring the process, Geraldo Rolim Mota Filho, was murdered - allegedly at the instigation of local landowners.

Amnesty International's concerns regarding Brazil's Indigenous population

Over five years since Amnesty International published the report *Brazil: 'We are the land': Indigenous peoples' struggle for human rights*, AI Index: AMR 19/32/92, January 1993, detailing over twenty cases of assaults, killings and massacres of indigenous peoples, only one of the cases outlined in the document has come to trial, and that resulted in an acquittal.

¹The process of demarcation as defined by Decree 22 of February 1991 was a protracted one passing through stages which offered graduated levels of legal protection:

- i) identification (which may be accompanied by interdiction - prohibiting entry to non-indigenous people)
- ii) delimitation (the signing of a demarcation proposal)
- iii) physical demarcation
- iv) homologation - the ratification and registration of a Presidential decree

Most indigenous territories, whether demarcated or not, are coveted as farmland, or for the gold, minerals or timber contained within them. Amnesty International has repeatedly expressed its concern over the level of human rights violations against indigenous people in Brazil in the context of disputes over land rights. While the organization takes no side in disputes over land, it has noted a pattern of human rights abuses against indigenous groups and an almost complete impunity enjoyed by the perpetrators: often illegal gold miners, loggers and hired gunmen. Amnesty International believes that the failure to arbitrate promptly in disputes between the indigenous and non-indigenous community leaves the indigenous groups vulnerable to violence against them.

Despite a stipulation in the 1988 Constitution that all indigenous lands should be demarcated by 1993, only half of the 555 identified indigenous territories have so far been demarcated. In January 1996, this process was slowed down further with the introduction of Decree 1775/96, which replaced Decree 22/91 and altered administrative procedures for demarcation of indigenous reserves. The Decree introduced procedures for administrative challenges by non-indigenous claimants to indigenous areas already demarcated and ratified by presidential decree. Amnesty International has frequently expressed concern that the increased uncertainty created by the Decree might pave the way to violent incursions on indigenous lands, which in the past has led to assaults, targeted killings and massacres of indigenous communities. In a report published in November 1997 the *Conselho Indigenista Missionário* (CIMI), Indigenous Missionary Council (connected to the Roman Catholic Church) identified a sharp rise in violence against indigenous groups in 1996, which it attributes to the effects of the Decree.

The killing of Francisco de Assis Araújo is only the latest example of the failure of the Brazilian government to put political will behind its constitutional commitment to protect

Please send courteously worded letters or faxes to the authorities below, in Portuguese, if fluent, otherwise in your own language. Please write in your own capacity and/or as a member of Amnesty International to the Brazilian authorities listed below:

indigenous groups. Time after time, Amnesty International has reported assaults, massacres and targeted killings of indigenous people and those who defend their rights. Yet those who carry out human rights abuses against indigenous people in order to get their hands on the resources they covet on indigenous land are almost guaranteed to go unpunished.

KEYWORDS: EXTRAJUDICIAL EXECUTION1 / INDIGINOUS PEOPLE1 /
HUMAN RIGHTS ACTIVISTS / LAND PROBLEMS / IMPUNITY

- Expressing concern at the killing of Francisco de Assis Araújo, apparently as a consequence of his activities as an indigenous rights campaigner;
- Call on the federal authorities to assume responsibility for a thorough and independent investigation into his death, and for those found responsible to be brought to justice;
- Express concern that other indigenous leaders and members of Francisco de Assis Araújo's family have received anonymous threats;
- Call for an immediate investigation into all death threats against indigenous leaders and their families, and for those found responsible to be brought to justice;
- Call upon the authorities to provide protection to Pesqueira city councillor, Antônio Pereira de Araújo (Toninho), and to the family of Francisco de Assis Araújo;
- Note that nearly all human rights abuses against indigenous people in Brazil have so far resulted in impunity, and call upon the Brazil Government to put funding and political will behind its constitutional obligation to protect the indigenous population.

Brazilian authorities:

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil

Dr. Renan Calheiros

Esplanada dos Ministérios, Bloco 23

70064-900, Brasília, DF, Brazil

Faxes: +55 61 226 7980/ 322 6817

Salutation: Vossa Excelência/ Your Excellency

President, FUNAI (Fundação Nacional do Índio)

Exmo. Sr. Presidente da FUNAI

Dr. Sullivan Silvestre de Oliveira

SETS

Quadra 702/902

Edifício LEX, 3º andar, Bloco A

70340-904 Brasília DF

Faxes: +55 61 226 8782

Salutation: Exmo. Senhor/ Dear Sir

Federal Police - Pernambuco

Superintendência Regional da Polícia Federal em Pernambuco

Superintendente Lacerda Carlos Júnior

Avenida Cais do Apolo, 231, Bairro do Recife

50020-000, Recife, PE, Brazil

Faxes: +55 81 424 2330

Salutation: Exmo. Senhor / Dear Sir

Regional federal prosecution service

Ministério Público Federal - Procuradoria Regional dos Direitos do Cidadão

Procuradora Sônia Macieira

Avenida Dantas Barreto, 1090, Ed. São Miguel

50020-000, Recife, PE, Brazil

Fax: +55 81 424 8680

Salutation: Exma. Senhora/ Dear Madam

Please send copies of your letters to:

CIMI - Pernambuco (Conselho Indigenista Missionário)

Rua Treze de Maio, 288

Santo Amaro

50100-160, Recife, PE, Brazil

CIMI - National Headquarters

SDS Edifício Venâncio III, salas 309 a 314

70393-900, Brasília, DF, Brazil

Note: if fax numbers are answered by a voice ask for 'sinal do fax'.

