

# URGENT ACTION

## INDIGENOUS COMMUNITY FACING EVICTION

**About 130 Guarani Kaiowa Indigenous People in southwestern Brazil are in imminent danger of eviction from their ancestral lands. They will have little option but to live beside a road, with no access to water or land to plant food on.**

Thirty-five Guarani Kaiowa families, including around 60 children, are likely to be evicted from land in the community of Laranjeira Nanderu in Mato Grosso do Sul state. The land is in the official process of being identified – the first step on the way to legal recognition of their rights over their ancestral lands. Although the identification should have taken place in 2008, it has been repeatedly blocked through the courts by local landowners.

The Guarani Kaiowa group reoccupied a small part of their ancestral lands in late 2007, after the Ministry of Justice, federal prosecutors and FUNAI (the federal body responsible for Indigenous Peoples in Brazil) signed an agreement to identify 36 Indigenous lands, including those of the Laranjeira Nanderu. Since then, the owner of the land has been trying to evict the group before the land is identified – a step that would consolidate their claims. Were they to be evicted, the Guarani Kaiowa will have little option but to set up a makeshift encampment on the verge of the BR 163 highway which runs by their ancestral lands. They will end up on a five-metre wide strip of dirt, wedged between farms guarded by security guards and a two-lane highway plied by heavy goods vehicles – a dangerous environment with no access to water, nor to land to plant food.

When the community first faced eviction in December 2008, community leader Farid Mariano told Federal Prosecutors: “If we have to leave, we don’t have anywhere to go – only if it is the verge of the highway... they can evict us, but Indians will die: people run over, sick children, suicide.” Another community member, Dona Nirda, added: “If we went to the verge of the highway... there is no water there... and there will be small babies and old people. We can’t leave where we are – the children are all enrolled in the local school. There’s nowhere for us to go.”

### PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Calling on the federal authorities to halt the proposed eviction of Guarani Kaiowa Indigenous People from the Nanderu Laranjeira community and guarantee their security on the land;
- Urging the authorities to prioritize the identification of Nanderu Laranjeira land in the overall process of land identifications, which began in 2007;
- Urging the authorities to fulfil their obligations under the International Labour Organisation’s Convention 169, the UN Declaration on the Rights of Indigenous Peoples and the Brazilian constitution by completing all outstanding land demarcations.

### PLEASE SEND APPEALS BEFORE 15 OCTOBER 2009 TO:

Federal Minister of Justice  
Exmo. Sr. Tarso Genro  
Esplanada dos Ministérios,  
Bloco "T"  
70712-902 - Brasília/DF Brasil  
**Fax: + 55 61 3322 6817**  
**+ 55 61 3224 3398**  
**Salutation: Exmo. Sr. Ministro**

Federal Human Rights Secretary  
Secretaria Especial de Direitos  
Humanos  
Exmo. Secretário Especial  
Sr. Paulo de Tarso Vannuchi  
Esplanada dos Ministérios - Bloco  
"T" - 4º andar,  
70064-900 - Brasília/DF BRASIL  
**Fax: + 55 61 3226 7980**  
**Salutation: Exmo. Sr. Secretário**

**AND COPIES TO:**  
Conselho Indigenista Missionário,  
(CIMI – local NGO)  
CIMI Regional Mato Grosso do Sul  
Av. Afonso Pena,  
1557 Sala 208 Bl.B  
79002-070 Campo Grande/MS  
BRASIL

Also send copies to diplomatic representatives of Brazil accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## INDIGENOUS COMMUNITY FACING EVICTION

### ADDITIONAL INFORMATION

Mato Grosso do Sul state contains some of the smallest, poorest and most densely populated Indigenous areas in Brazil: rural pockets of poverty surrounded by large soya and sugar cane plantations and cattle ranches where life is plagued by ill-health and squalid living conditions. Some 60,000 Guarani-Kaiowa Indigenous people live a precarious existence – social breakdown has led to high levels of violence, suicide and malnutrition. Frustrated at the slowness of the land demarcation process, the Guarani-Kaiowa have begun reoccupying ancestral lands, but have been subjected to intimidation and violent evictions.

In November 2007 the Ministry of Justice, the Federal Public Prosecutor's Office, FUNAI and 23 Indigenous leaders, signed an agreement (Termo de Ajustamento de Conduta, TAC) which commits FUNAI to identify 36 different Guarani-Kaiowa ancestral lands - including Laranjeira N'anderu land - by April 2010, to be handed over. The agreement was vehemently opposed by state government and the farming lobby. After the signing of the TAC, the state governor André Puccinelli threatened not to honour the accord and the acting vice-governor, Jerson Domingos, inflamed the situation by warning the process would inevitably lead a "bloodbath", with conflict between the police, the Indians and the land owners. Local farming interests have opposed the process, exaggerating the amount of land that could be identified as Indigenous in the media, and repeatedly trying to block the process judicially. There are currently over 80 appeals being heard in the Regional Federal Court (Tribunal Regional Federal) involving Indigenous land in Mato Grosso do Sul.

Since the reoccupation of their ancestral lands, the N'anderu Laranjeira community have been surviving largely on food parcels provided by FUNAI. The land they are on, which is surrounded by cane and corn plantations, is constantly watched by private security guards hired by the landowners and they have been prohibited from planting their own food. Ilda Barbosa da Almeida, one of the indigenous women in the village, informed CIMI, the Catholic organization which works for indigenous peoples, that two children had died in the community as the private security guards barred access to federal government health workers. The community also suffered three suicides during this time.

The original eviction order against the N'anderu Laranjeira community was suspended pending a FUNAI report on the legitimacy of their claims. However, opposition from the farm owner and the farming lobby has so far prevented FUNAI from carrying out the necessary work. In July 2009 the farming body, Farmasul, appealed to the regional federal court and succeeded in suspending all anthropological surveys of Indigenous lands, including the N'anderu Laranjeira lands. Although this appeal was overturned in August, the N'anderu Laranjeira still face eviction.

Because of the ongoing failure to resolve outstanding land claims, several other Guarani-Kaiowa communities have ended up living beside highways. They have been exposed to threats from security guards hired to prevent them from trying to reoccupy land, health problems related to living in inadequate temporary shelters and lack of medical assistance. In addition, a large number have been killed and injured in traffic accidents.

Both the UN Declaration on the Rights of Indigenous Peoples which Brazil signed in 2007 and the International Labour Organisation's Convention 169 to which Brazil is a party enshrine Indigenous People's rights to their ancestral lands and call on states to establish mechanisms whereby these rights can be adjudicated and recognized. The Brazilian constitution (1988) also affirms Brazilian Indigenous People's rights to their lands and the Union's responsibility to demarcate them.

UA: 229/09 Index: AMR 19/015/2009 Issue Date: 3 September 2009

**AMNESTY**  
**INTERNATIONAL**

