

**PUBLIC**

**AI Index: AMR 19/018/2005**

**16 August 2005**

**Further Information on UA 178/05 (AMR 19/016/2005, 28 June 2005) – Fear for safety and new concern: Forced eviction**

**BRAZIL                    About 100 members of the Guarani indigenous community on the Floresta ranch, Sombreiro indigenous territory, in the Sete Quedas municipality**

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Landowners have secured court orders for the eviction of the 100 Guarani people who have been occupying a portion of the Floresta ranch, situated on the Sombreiro indigenous territory, and also a second group of Guarani occupying a section of land in the nearby Yvy Katu territory, in Mato Grosso do Sul state. Federal police are reportedly preparing to act on these orders in the near future: previous evictions have been violent, and the Guarani could end up destitute.

The eviction orders are being contested by the Public Prosecutor's Office, who have won numerous injunctions preventing similar evictions. Local NGOs say they fear that any attempt to evict the Indians from the territories could result in deaths. Police and others carrying out previous such evictions have used serious violence. If they are evicted, the Indians could end up destitute, or risk being resettled in overcrowded and squalid reserves, where infant malnutrition, suicide and violence are endemic.

Although there have been some recent signs of progress in the lengthy process of identifying and demarcating Guarani territories in Mato Grosso do Sul state, such as the presidential ratification of the Cerro Marangatu indigenous territory in March this year (see UA 13/05, AMR 19/001/2005, 18 January 2005 and follow-up), Amnesty International has learnt that such advances are being continually delayed by landowners taking court action.

In June a group of 100 Guarani Indians peacefully reoccupied their ancestral territory of Sombreiro, where they had lived until 1975, when they were driven out. In June this year, an attempt to remove them by ranchers generated serious violence: one man, Dorival Benites, was killed, and four others were injured. These crimes are under investigation. The initial identification survey of Sombreiro, the first stage of the process that leads to full legal recognition of the indigenous territory, is apparently planned for the near future. A second group has been occupying a portion of the Yvy Katu indigenous territory since March 2004.

## **BACKGROUND INFORMATION**

Peaceful reoccupation of ancestral land is a last resort adopted by Indians who feel frustrated at a lack of government action in fulfilling their constitutional obligation to demarcate and identify their territories. Although Brazil's 1988 constitution called for demarcation of all indigenous lands by 1993, this target remains a long way off. The current federal government has pledged to identify and demarcate all indigenous lands by the end of their term in 2006.

On 19 April this year, Brazil's "Day of the Indian", Yvy Katu was one of 14 indigenous territories across Brazil that indigenous leaders highlighted as being in urgent need of demarcation. On 4 July the Minister of Justice published an official statement declaring the limits of the area, stating that it was for "permanent possession" of the indigenous population.

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

- expressing your fear for the safety of groups of Guarani Indians living on the Sombreiro and Yvy Katu indigenous territories in Mato Grosso do Sul state;
- expressing your concern that forced eviction from these territories could put these groups of Guarani at serious risk of violence or destitution;
- urging the authorities to take all possible steps to avoid violence and loss of life;
- calling on the authorities to fulfil their constitutional and international obligations to resolve all outstanding indigenous land claims in the country.

**APPEALS TO:**

Minister of Justice

Exmo. Ministro da Justiça da República Federativa do Brasil  
Dr. Márcio Thomaz Bastos, Ministério da Justiça  
Esplanada dos Ministérios, Bloco T  
70712-902 - Brasília - DF, Brazil

**Fax: + 55 61 3322 6817**

**Salutation: Vossa Excelência**

President of FUNAI (Government Agency for Indigenous People)

Exmo. Presidente da FUNAI, Mércio Pereira Gomes  
SEPS Quadra 902/702 - Bloco. A, Ed. Lex - 3º Andar  
70340-904 - Brasília – DF, Brazil

**Fax: + 55 61 3226 8782 (If a voice answers, say "Fax, por favor")**

**Salutation: Exmo. Sr Presidente**

Mato Grosso do Sul State Governor

Exmo. Governador do Estado do Mato Grosso do Sul  
Sr. José Orcirio Miranda dos Santos, Parque dos Poderes - Bloco 8  
79031-902 - Campo Grande – MS, Brazil

**Fax: + 55 67 318 1120**

**Salutation: Vossa Excelência**

**COPIES TO:**

President of the Federal Court, 3rd Region

Tribunal Regional Federal da Terceira Região  
Presidenta do Tribunal, Exma. Sra. Desembargadora  
Dra. Diva Malerbi, Av. Paulista 1842, Torre Sul  
01310923 São Paulo-SP, Brazil

**Fax: + 55 11 3253 0513**

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 27 September 2005.