

PUBLIC

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Fear for safety / Arbitrary arrest

16 December 1999

BRAZIL

Gerson de Souza Melo, Indigenous leader
Members of the Pataxó Hã Hã Hã indigenous group

Amnesty International is concerned for the safety of Gerson de Souza Melo, a leader of the Pataxó Hã Hã Hã indigenous group, after he was arrested on 15 December 1999 in the state of Bahia. The concern follows the alleged ill-treatment in custody of other members of the Pataxó Hã Hã Hã arrested in recent weeks during a time of extreme tension over conflicting land claims in the Pau Brasil area of Bahia.

According to witnesses Gerson de Souza was arrested without a warrant at gun-point at a police road-block as he was returning, at dawn, from a special session of the Bahian Legislative Assembly's Human Rights Commission during which he had denounced the current conflict between the Pataxó and military police. The arresting police allegedly threatened him and told him that they were avenging the deaths of two colleagues, killed during an eviction operation of Pataxó and Pataxó Hã Hã Hã, on 17 November. Two indigenous women arrested with him have been released.

On 16 November, around 1200 Pataxó and Pataxó Hã Hã Hã occupied nine estates on demarcated indigenous territory. The Pataxó deny any involvement in the killings of the two policemen who were shot dead when around 300 military police stormed the Pataxó encampments the next day, ostensibly looking for arms (none were discovered). Several Pataxó were beaten during the operation and twelve Pataxó, including women, were detained and ill-treated for three days.

During the eviction the Pataxó withdrew from eight of the farms and now occupy the Milagrosa estate. A large contingent of military police remains in the area, ostensibly to protect other farms on demarcated Pataxó territory. In recent weeks a mini-bus used to transport Pataxó children to school was burned, and a bus carrying Pataxó was stoned by local residents, injuring those inside.

According to indigenous rights organizations, the presence of state military police in the area contravenes the Brazilian Federal Constitution, which places responsibility for all matters relating to disputes over indigenous territory with the Federal authorities.

BACKGROUND INFORMATION

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, which include assaults, targeted killings and massacres. The organization believes that the authorities' 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 been demarcated. In January 1996, this process was slowed down further with the introduction of Decree 1775/96, which 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.

RECOMMENDED ACTION: Please send faxes/express/airmail letters in Portuguese or your own language:

- expressing concern at the apparent arbitrary arrest of Gerson de Souza Melo;
- expressing concern that he may be at risk of torture and ill-treatment in detention;
- expressing the view that Gerson de Souza Melo has been arrested solely as a result of his indigenous rights activities;
- calling for his immediate release;

- calling for a prompt, full and independent investigation into allegations that members of the Pataxó Hã Hã Hã were attacked and beaten by military police during an eviction operation on 17 November 1999;
- calling for a prompt, full and independent investigation into allegations that 12 members of the Pataxó Hã Hã Hã were ill-treated in detention following the eviction operation;
- expressing concern that the Pataxó communities continue to be at risk of violence;
- calling for federal police to be dispatched to the area in order to prevent further conflict between Pataxó communities and state police;
- noting that indigenous groups are particularly vulnerable to violent attacks where there is uncertainty regarding the legal status of their territory;
- calling upon the authorities to end this uncertainty by completing the legalisation of the Pataxó territory without further delay.

APPEALS TO:Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil

Dr. José Carlos Dias

Ministério da Justiça

Esplanada dos Ministérios, Bloco 23

CEP 70064-900 Brasília - DF Brazil

Telegrams: Minister Justice, Brasília, Brazil**Faxes: + 55 61 224 2448 / 322 6817 (if voice answers, say "Fax, por favor" and wait for the tone)****Salutation: Vossa Excelência / Your Excellency**Bahia State Governor

Exmo Sr Governador do Estado da Bahia

Sr César Augusto Rabelo Borges

Prédio Governadoria

3ª Avenida, 390

41750-300 Salvador - BA Brazil

Faxes: + 55 71 371 0610 / 1905**Salutation: Vossa Excelência / Your Excellency**Bahia Public Security Secretary

Exma. Sra. Secretária de Segurança Pública do Estado da Bahia

Dra. Maria Kátia Alves

Centro Administrativo da Bahia

4ª Avenida 430, 3º andar

41750-300 Salvador - BA Brazil

Salutation: Exma. Sra. Secretária / Dear Secretary**Faxes: + 55 71 370 1823 / 1815****COPIES TO:**President, FUNAI (Fundação Nacional do Índio - National Indian Foundation)

Exmo. Sr. Presidente da FUNAI

Dr. Carlos Frederico Marés de Souza Filho

SETS Quadra 702/902

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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 January 1999.