

PUBLIC

AI Index: AMR 19/036/2005

16 December 2005

Further Information on UA 178/05 (AMR 19/016/2005, 28 June 2005) and follow-up (AMR 19/018/2005, 16 August 2005; AMR 19/019/2005, 19 August 2005; AMR 19/020/2005, 19 September 2005; AMR 19/035/2005, 8 December 2005) - Fear for safety/forced eviction

BRAZIL **Members of Guarani indigenous communities in Mato Grosso do Sul state**
Guarani community of Ñanderu Marangatu (also known as Cerro Marangatu), Antonio João municipality

The Guarani indigenous community of Ñanderu Marangatu were evicted on 15 December from all their ancestral lands in Mato Grosso do Sul state, southwestern Brazil, under a court order. Some 150 Federal and Military Police officers enforced the eviction order. The Guarani now have neither land to grow crops nor homes to live in, and are camping in improvised shelters by the side of a road which runs past the ranches on the Ñanderu Marangatu indigenous territory.

The Guarani indigenous community did not resist the eviction, but staged a peaceful protest demanding the right to occupy their ancestral lands. Several of their properties were set on fire after they had left. According to a local news source, two Dutch journalists, who had been filming the eviction for Dutch national television, were detained by the Federal Police and taken to the town of Ponta Porã. They were released after paying a fine for working without appropriate documentation and told to acquire journalist visas from the Brazilian consulate in Paraguay.

The community had been allocated the Ñanderu Marangatu indigenous territory in October 2004. President Luiz Inácio Lula da Silva signed an official declaration ratifying Nhanderu Marangatu as indigenous land, on 29 March 2005, and this was greeted with celebrations by the indigenous community. However, court challenges have delayed the registration of the indigenous area, which is the final formal step in the process of granting land rights to the Guarani. In this case an indigenous community have had their land officially ratified by the President, but are still unable to obtain the rights to their ancestral land. Given the late stage at which the transfer of their land to the Guarani was halted, the prospects for other indigenous groups looking to reclaim their lands in Brazil now look very bleak.

BACKGROUND INFORMATION

The Brazilian constitution obliges the federal government to transfer ancestral lands to the country's Indian population, and makes it responsible for the land's protection. The complex transfer process under which this is meant to occur is administrated by the *Fundação Nacional do Índio* (FUNAI), the National Indian Foundation, a government body responsible for administering the protection of Indians and their land. It includes identification, delimitation, demarcation, ratification and registration of lands. Identification is carried out by a technical team overseen by an anthropologist nominated by FUNAI. The President of FUNAI will, if appropriate, approve the findings of the team's study. A period of 90 days is left for interested parties to contest the study. It then falls to the Minister of Justice to approve or decline the identification study. If approved, the Minister of Justice will make an official declaration determining its physical demarcation. The final steps are ratification of the area by presidential decree, and its official registration.

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

- expressing concern for the safety and well-being of hundreds of members of the Guarani indigenous community of Ñanderu Marangatu, in Mato Grosso do Sul state, who were evicted from their ancestral lands on 15 December and have lost their homes and livelihoods;
- calling for the Guarani indigenous community to be reinstated on the lands they had lived on for five years before they reoccupied two more tracts of the Ñanderu Marangatu indigenous territory;
- expressing concern that attempts to block the official process for land transfer and demarcation are leaving other Guarani communities in Mato Grosso do Sul state vulnerable to the threat of eviction;
- expressing concern that the Brazilian authorities appear reluctant to transfer land to indigenous people in general;
- calling on the authorities to fulfil their constitutional and international obligations to resolve all outstanding indigenous land claims in Brazil.

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, Brasil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência/ Your Excellency

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, Brasil

Fax: + 55 61 3226 8782

Salutation: Exmo. Sr Presidente

Mato Grosso do Sul State Governor

Exmo. Governador do Estado do Mato Grosso do Sul

Sr. José Orcírio Miranda dos Santos

Parque dos Poderes - Bloco 8

79031-902 - Campo Grande – MS, Brasil

Fax: + 55 67 3318 1120

Salutation: Vossa Excelência

COPIES 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 2006.