

URGENT ACTION

EVICITION OF INDIGENOUS COMMUNITY ON HOLD

On 26 April, the eviction order lodged against the Kurussu Ambá community in the Brazilian midwest was suspended for 90 days. Gunmen are still threatening the community.

On 10 March, a local judge issued an eviction order against the **Guarani-Kaiowa community of Kurussú Ambá**, who had reoccupied a small part of their ancestral lands on farmlands by the Rio Verde river in midwestern Brazilian in November 2009. On 26 April, a judge in the Regional Federal Court in São Paulo ruled that the order should be suspended for 90 days until the necessary anthropological studies to identify Kurussu Ambá lands have been carried out.

In an email to Amnesty International, a lawyer working for the NGO CIMI (Conselho Missionário Indigenista) in the region said: "I am writing to you to thank and congratulate you for your intervention in this case. I am absolutely sure that it played a fundamental role in raising the judge's awareness of this reality... thank you very much for everything." He went on to say that it was vital for Amnesty International to maintain their support for the community, which is still at grave risk of violence and destitution.

The community is relieved that their eviction order has been suspended. However, in the past the FUNAI, (Fundação Nacional do Índio, the federal Indigenous agency), has not carried out the necessary studies within the 90 day period. Often evictions simply take place anyway after 90 days (see for instance UA: 229/09 Index: AMR 19/016/2009). The Kurussu Ambá community remains in a very precarious situation. They are still being threatened by gunmen. They are also struggling to access vital services, because the threat from the gunmen is preventing FUNAI and FUNASA (Fundação Nacional de Saúde, the federal indigenous agency providing healthcare) from sending their agents into the community. They are instead leaving food baskets and running clinics 10 kilometres away.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Calling on the federal authorities to immediately provide adequate security, as well as food and healthcare delivered directly to the Kurussú Ambá community;
- Urging the authorities to thoroughly investigate all allegations of threats against the Kurussú Ambá community;
- Urging the authorities to urgently carry out anthropological studies to identify Kurussú Ambá ancestral lands within the 90 days stipulated by the courts.

PLEASE SEND APPEALS BEFORE 16 JUNE 2010 TO:

Federal Minister of Justice

Exmo. Sr Luiz Paulo Teles Ferreira
Barreto

Esplanada dos Ministérios,
Bloco "T"
70712-902 - Brasília/DF Brasil

Fax: + 55 61 2025-9556

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 BRAZIL

Fax: + 55 61 2025-3464

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
BRAZIL

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA: 89/10 Index: AMR 19/003/2010 Further information: <http://www.amnesty.org/en/library/info/AMR19/003/2010/en>

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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 40,000 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 Kurussú Ambá land - by April 2010, to be handed over. The state government and the farming lobby 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.

The Kurussú Ambá community is one of several Guarani-Kaiowa communities who have left the overcrowded reservations and set up shacks by the side of the highway, near their ancestral lands. They have been subject to repeated threats from gunmen linked to local farmers. Four community members have been shot and three killed since 2007. Investigations have been inadequate and no one has yet been prosecuted for these crimes. Small children, pregnant women and the elderly have been living for years in totally inadequate housing, with poor healthcare and no access to basic services, including water. The community has repeatedly denounced their situation to local and federal authorities. Lack of any concrete action has resulted in a several attempts to reoccupy their ancestral lands.

Indigenous Peoples enjoy specific rights under international standards. The two key standards that deal with Indigenous Peoples' rights are International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples, and the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007. Brazil was an early participant in the UN Working Groups that drafted the Declaration and voted for its adoption, noting that Indigenous Peoples in Brazil "were crucial to the development of society at every level, including the development of spiritual and cultural life for all."

Together, Convention No. 169 and the Declaration on the Rights of Indigenous Peoples provide a robust normative framework. They affirm Indigenous Peoples' right to their traditional lands, along with their right to free, prior and informed consent in relation to developments that may affect these lands.

FU on UA: 89/10 Index: AMR 19/005/2010 Issue Date: 05 May 2010

