

URGENT ACTION

INDIGENOUS GROUP IN CRITICAL SITUATION

Approximately 80 members of the Guarani Kaiowá Y'poí Indigenous group in Brazil have been threatened by armed men hired by local farm owners. They have been prevented from leaving their encampment, resulting in no access to water, food, education and health.

The group reoccupied farmland they claim as part of their ancestral territory near Paranhos, Brazil, in April. They are surrounded by armed men hired by local farm owners and have been threatened and gunshots have been fired into the air at night. They are also being prevented from leaving their encampment. This has left them in a critical situation with no access to water, food, education and health.

The Federal Indigenous Health Agency (FUNASA) has not provided care to the community allegedly claiming this is due to lack of security. The community's children are falling sick due to the lack of medical assistance, water and the dry weather conditions. The community has denounced their situation to the Federal Prosecutor's Office, the National Indian Foundation (Fundação Nacional do Índio, FUNAI) and the state police authorities, but so far no action has been taken.

Previously, the **Guarani Kaiowa Y'poí** community was violently evicted from their ancestral land in October 2009. During the eviction, community members say that they saw Genivaldo Vera being taken away by the gunmen and his cousin Rolindo Vera fleeing into the forest. Genivaldo Vera's body was found in a nearby river a few days later. His head had been shaved and his body had extensive bruising. Rolindo Vera's whereabouts remain unknown. After over 300 days, Rolindo's family continue to wait for the Federal Police to tell them what happened to him or to bring them Rolindo's body back. The community wants to search for Rolindo but are not allowed outside their encampment.

PLEASE WRITE IMMEDIATELY in Portuguese or your own language:

- Calling for the authorities to guarantee the community's security and ensure that they have adequate food, water, health care; and that they are able to travel freely.
- Urging the authorities to ensure FUNASA and the Federal Police visit the site and provide adequate care to the community.
- Demanding that the Federal Police conclude the investigation into the death of Genivaldo Vera and the whereabouts of Rolindo Vera and bring those responsible to justice.
- Urge the authorities to fulfill 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 demarcations of Indigenous lands.

PLEASE SEND APPEALS BEFORE 22 OCTOBER 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 3322 6817/ 3224
3398**

Salutation: Dear Minister

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: Dear Secretary

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

Email: cimims@terra.com.br

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. This is the 1st update of UA 306/09. Further information: www.amnesty.org/en/library/info/AMR19/020/2009/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.

In November 2007, the Federal Public Prosecutor's Office in Mato Grosso do Sul signed an extrajudicial agreement called a TAC (Termo de Ajustamento de Conduta), with FUNAI which committed it to identify and delimit 36 separate Guarani-Kaiowá traditional lands by April 2010, for future demarcation. On 29 July, the Federal Prosecutor's Office submitted a request to the Federal State Court asking for the judicial execution of the TAC agreement. The Prosecutor's Office requested that FUNAI comply with the terms of the agreement within 60 days and failing to do that that the demarcation should be done by third parties to be paid by FUNAI. They also requested that FUNAI pays the fine stipulated in the agreement for the delay in finalizing the identification of the ancestral lands.

The ancestral lands that the Guarani Kaiowa have begun reoccupying should have already been surveyed by government anthropologists to enable them to identify lands to be returned to the community, as outlined in an agreement signed in 2007. However, farmers in the area have repeatedly blocked attempts to carry out the surveys necessary for identifying the land to be returned.

Because of the ongoing failure to resolve outstanding land claims, several Guarani Kaiowa communities have ended up reoccupying the lands, which have been followed by a series of violent evictions, often involving armed men. Irregular security companies, many of whom are effectively acting as illegal militias in the service of landowners or agro-industry, have been involved in many human rights abuses in rural Brazil and remain a serious threat to both Indigenous peoples and rural workers fighting for their right to land.

Both the UN Declaration on the Rights of Indigenous Peoples which Brazil endorsed 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 also affirms Brazilian Indigenous People's rights to their lands and the Union's responsibility to demarcate them.

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