

URGENT ACTION



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06 November 2007

UA 293/07 Fear for safety/Sexual Violence

BRAZIL 700 members of the Guarani Kaiowá community of Nhanderu Marangatu

The Guarani Kaiowá community of Nhanderu Marangatu in the Antonio João municipality, Mato Grosso do Sul state, are in imminent risk of danger. Around 30 private security guards working for local landowners have repeatedly threatened the community by firing shots in the air. The security guards have also been accused of raping three indigenous women so far this year. The atmosphere of constant fear and intimidation is preventing the Guarani Kaiowá from going about their daily lives.



Since the first week of October, security guards have been firing into the air fifty meters away from indigenous houses. In one incident they fired bullets close to a group of children who were playing. Last week an indigenous woman accused one of the security guards of raping her while she was collecting firewood; the woman's husband was allegedly beaten when he attempted to defend his wife. "Without firewood we can't cook, and the children go hungry," said indigenous leader Léia Aquino. "Since the beginning of October, the situation here has become more difficult. We have denounced what has happened, but FUNAI [Fundação Nacional do Índio, National Indigenous Foundation FUNAI] still hasn't come here."

The indigenous group have also reported the incidents to the Federal Public Prosecutor's Office, (Ministério Público Federal) and the Federal Police. The community claims that the police only respond to requests from the landowners. On 31 October, while the community was performing a ritual in homage to their dead, the Federal Police arrived at the site to investigate claims made by the landowners that the community was trying to invade neighboring farmlands.

In their last Guarani community meeting which took place from 26 to 28 October in the Sombreiro village, Marangatu leaders complained that the security guards were making it impossible to live there. They called on the Federal Supreme Court to rule on the registration of their lands.

BACKGROUND INFORMATION

The 9,316 hectare Nhanderu Marangatu lands were officially ratified by President Luiz Inácio Lula da Silva on 23 March 2005. After a judicial challenge at state level, the then President of the Federal Supreme Court (Supremo Tribunal Federal, STF) Nelson Jobim, suspended the President's ruling, pending the resolution of the appeal. On 15 December 2005, 150 Military Police officers enforced an eviction order (see UA 178/05, 16 August 2005), using

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helicopters and heavy arms, driving the community into an encampment of makeshift shacks by the side of the highway. Soon after, on 24 December, community leader Dorvalino Rocha was shot dead by security guards hired by the landowners.

After seven months by the side of the highway, the community was moved back into 100 hectares of farmlands, with the agreement of local landowners, to allow for the asphaltting of the road. Since the move the owners of the land have maintained a heavy presence of private security guards. The ruling on the landowners' appeal remains stalled in the STF, exposing the Guarani to violence and severe economic deprivation.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- expressing concern for the safety the Guarani Kaiowá community of Nhanderu Marangatu in the Antonio João municipality, Mato Grosso do Sul state who are under threat of imminent violence;
- urging the authorities to adopt immediate measures for their protection, as well as guaranteeing their long-term security by ensuring the completion of the process of land ratification;
- urging that the threats and attacks against the Guarani Kaiowá, especially the rapes of three Guarani Kaiowá women, be fully and transparently investigated and those responsible for carrying out the attacks be brought to justice;
- urging the federal authorities to thoroughly investigate private security companies and their role in cases of human rights violations against indigenous peoples, and calling on them to introduce regulations in accordance with human rights standards to control this industry;
- reminding the authorities the failure to fulfill the Guarani Kaiowá's constitutional rights to land has put them at risk of both physical violence and economic deprivation.

APPEALS TO:

Minister for Justice

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Salutation: Exmo. Sr. Ministro

COPIES TO:

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Supremo Tribunal Federal
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Federal Human Rights Secretary

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PLEASE SEND APPEALS IMMEDIATELY. Check with the AIUSA Urgent Action office if sending appeals after 18 December 2007.