

URGENT ACTION

GUARANI KAIOWÁ RISK IMMINENT FORCED EVICTION

The Apika'y Indigenous People, one of the most vulnerable of the Guarani Kaiowá communities of Mato Grosso do Sul state, are once again facing forced eviction. The judge issued an eviction order giving the community five days to comply once the community's leader is notified, and the authorities have not adequately consulted with the community or provided them with resettlement alternatives.

According to Amnesty International's local partner, the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), the court decision was granted in favor of the owner of the Serrana Ranch, Cássio Guilherme Bonilha Tecchio, where the Apika'y community's ancestral land is located. The judge issued an eviction order giving the community five days to comply once the community's leader, Damiana Cavanha, is notified. This notice period is wholly inadequate, and combined with the lack of adequate consultation or provision of resettlement alternatives to the Apika'y, means that the Brazilian authorities will be subjecting the community to a forced eviction. Forced evictions are illegal under international law.

Fifteen years ago, the Apika'y community was expelled from its traditional land for the expansion of agriculture and cattle raising and has subsequently been camping on a tiny strip on the edge of a highway (BR-463) in front of its ancestral land. The community is currently comprised of around nine families living in extremely precarious and poor conditions without basic facilities, between the cities of Dourados and Ponta Porã, near the border with Paraguay. Nine community members have died in this time, either in traffic accidents – due to the proximity to the highway – or through pesticide poisoning used in the surrounding monocultures.

The Apika'y community is awaiting a ruling on their claim for official recognition and titling of their lands. The Inter-American Court of Human Rights has found that the relocation of Indigenous Peoples from their land without their free, prior and informed consent is a violation of their human rights.

Please write immediately in Portuguese or your own language:

- Calling on the authorities to immediately stop the eviction of the Apika'y, ensure that the necessary safeguards against any potential forced eviction are implemented, and allow the community to return to their ancestral lands;
- If immediate return is not possible, urging them to temporarily allocate an appropriate area of land to the Apika'y which will provide them with a sufficient livelihood, so that the Apika'y families can live with dignity;
- Demanding the conclusion of the demarcation process of their ancestral lands, in accordance with the Brazilian Constitution.

PLEASE SEND APPEALS BEFORE 5 JULY 2016 TO:

Justice Minister

Honorable Mr. Alexandre de Moraes
Esplanada dos Ministérios, Bloco "T",
Edifício Sede, 4º Andar, Sala 400
70.064-900, Brasília/DF, Brazil

Email: agenda.ministro@mj.gov.br

Salutation: Dear Minister / Exmo. Sr.
Ministro

Mato Grosso do Sul state Governor

Honorable Mr. Reinaldo Azambuja
Parque dos Poderes - Bloco VIII
Cep 79.031-350
Campo Grande-MS, Brazil

Email: gabinete@ms.gov.br

Salutation: Dear Governor/ Exmo. Sr.
Governador

And copies to:

Indigenous Missionary Council (CIMI)

Regional Mato Grosso do Sul

Av. Afonso Pena, 1557 Sal um BI 208.B
79002-070

Campo Grande/MS – Brazil

Email: internacional@cimi.org.br

Also send copies to:

Ambassador Luiz Alberto Figueredo Machado, Embassy of Brazil
3006 Massachusetts Ave. NW, Washington DC 20008

Phone: 1 202 238 2700 Fax: 1 202 238 2827 | Email: ambassador.washington@itamaraty.gov.br

Please let us know if you took action so that we can track our impact! **EITHER** send a short email to uan@aiusa.org with "UA 163/15" in the subject line, and include in the body of the email the number of letters and/or emails you sent, **OR** fill out this [short online form](#) to let us know how you took action. Thank you for taking action! Please check with your section office if sending appeals after the above date. This is the first update of UA 163/15. Further information: www.amnesty.org/en/documents/amr19/2151/2015/en/

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ADDITIONAL INFORMATION

According to the Mato Grosso do Sul Federal Prosecutor's Office, living conditions in the camp where the Apika'y Indigenous community live are precarious and extremely poor. The Prosecutor's Office has stated that the community members live in "sheds built with plastic, canvas, wood pieces and any other materials found nearby, with no protection against cold or heat. There are no sanitary facilities nor access to electricity or potable water. Water running in the stream is contaminated by pesticides and is used to cook, shower and wash clothes. Medical care is provided infrequently and there are no other public services provided by the State to ensure the community's basic needs are met. The tiny plot of land on the margins of the highway does not allow any food to grow. The Indigenous community depends exclusively on food aid distributed by the National Indigenous Organization (Fundação Nacional do Índio, FUNAI)."

A 2009 report published on the Apika'y community by the Federal Prosecutor's Office affirmed, "children, youth, adults and elders are subject to degraded conditions which hurt human beings' dignity. The situation they face is similar to a refugee camp. It's like they are strangers in their own country".

The demarcation process of the Apika'y community's ancestral land is still pending. Studies, including identifying the area as a FUNAI-recognized Indigenous area, have been halted.

Brazil has ratified a number of international treaties that prohibit forced evictions, including the International Covenant on Economic, Social and Cultural Rights.

Amnesty International has campaigned to protect the rights of the Apika'y Indigenous community for many years, including as part of the annual Write for Rights campaign in Brazil (<https://anistia.org.br/entre-em-acao/carta/comunidadeapikay/>), in a November 2011 Urgent Action when one of the community's leaders was murdered and his relatives threatened (<https://www.amnesty.org/en/documents/AMR19/018/2011/en/>), in a September 2013 Urgent Action denouncing violations against the Apika'y community (<https://www.amnesty.org/en/documents/AMR19/008/2013/en/>), in a July 2015 Urgent Action against its imminent forced eviction (<https://www.amnestyusa.org/sites/default/files/uaa16315.pdf>), in a September 2015 public statement and during a visit by the organization's Secretary General in 2013.

Name: Apika'y Indigenous community

Gender m/f: both

Further information on UA: 163/15 Index: AMR 19/4103/2016 Issue Date: 24 May 2016