

Brasília, D.F., May 6<sup>th</sup> 2016

To

The UN Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz:

The political crisis in Brazil is currently presenting a major threat to the Constitutional Rights of Indigenous Peoples in the country. This is not an opinion matter but an established fact that there are several initiatives from members of the political community to stop and reverse the ongoing administrative regularization of indigenous territories. These initiatives, such as the Constitutional Amendment Proposal (PEC) nº 215/2000, aims to revise the Constitution and all administrative regulations that are protective of Indigenous Peoples land rights in order to conform them to specific corporative interests of the rural, mining, forestry and energy generating sectors of society. Under democratic stability, these initiatives are debated and contested properly within legislative institutions. Now, the political crisis is making room for these specific representatives to implement a setback on Indigenous Peoples land rights.

It is important to point the direct involvement of representatives, local authorities and the police force in different regions of Brazil, particularly in the South Region, who has been organizing media campaigns to incite neighboring communities of Indigenous Peoples to confine them within tiny reserves, to segregate them in educational, health and penitentiary facilities, to discriminate them in public and finally to expel them from their homes. Atrocities against Indigenous villages and persons are being committed such as beatings, murder and public humiliation of Indigenous families in transit to sell their art crafts. Those aggressions are being intensified by these same political authorities saying that Indigenous Peoples are “wasteless” and must be expelled. They use radio shows, television news, newspaper campaigns and regional fairs to spread rumors that Indigenous lands will be renegotiated in benefit of regional non-indigenous farmers and families.

The Working Group for the Indigenous and Quilombolas Rights of the South Region, a section of the Human Rights Permanent Commission of the Human Rights National Council (CNDH), composed by members of the civil society, the scientific community and Indigenous organizations, verified such complaints *in situ*. The Working Group rapport will be presented in June with more detailed information on sound cases of Human Right violations against Indigenous Peoples in the South region but it is urgent to present the most vulnerable situations under the present political circumstances:

1<sup>st</sup>) Terra Indígena Morro dos Cavalos/Morro dos Cavalos Indigenous Land: On May 1<sup>st</sup> 2016, the Working Group visited the Morro dos Cavalos Guarani community in the municipality of Palhoça, Santa Catarina. During the visit, and amid the loud noise of BR-101 speedway that cuts across the Indigenous territory, we heard the leaders reporting the various situations of human rights violations resulting from the lack of completion of the Indigenous land demarcation process awaiting approval. There is no legal impediment to such

approval, except the opposing interests mentioned above which are succeeding to block the administrative disclosure of the regularization process. Such political opposition puts the Indigenous community in extreme physical and cultural vulnerability, since the Working Group found evidence of planned invasions and attacks with firearms, yet in 2015, terrorizing families and the possibility of recurrence;

2<sup>nd</sup>) Terra Indígena Rio dos Índios/ Rio dos Índios Indigenous Land: On March 30<sup>th</sup> 2016, the Working Group visited the Rio dos Índios Kaingang community in the municipality of Vicente Dutra, Rio Grande do Sul. The leaders presented the video recorded by them of the upheaval of the non-indigenous community against the Kaingang. The riot was organized by the mayor and local representatives in order to expel the Kaingang community from the region. Fortunately, they did not succeed, but the community is deeply terrified and after the episode members of the National Congress visited Vicente Dutra and supported the aggression claiming, “Indians are wasteless”. The Indigenous community is currently under threat and Indigenous children are suffering from discrimination and insult in the village;

3<sup>rd</sup>) Terra Indígena Votoru-Kandóia/Votoru-Kandóia Indigenous Land: On March 30<sup>th</sup> 2016, the Working Group also visited Kandóia in the municipality of Faxinalzinho, Rio Grande do Sul. The community leaders presented the abuse of force and humiliation conducted by the Federal Police that mobilized hundreds of man and gear to criminalize the whole community including children and the youth. The desmesurate Police intervention was a result of the killing of two non-indigenous farmers who confronted the community while the Kaingang was holding a protest on the road that cuts the area under claim. The Indigenous protesters where unarmed unlike the victims. This whole situation indicates the disproportion of Police response to interethnic conflict in the region. While many Indigenous communities are being attacked and confined violently with no police responsiveness or investigations, crimes perpetrated by Indigenous members are strongly reprimanded by police forces and the system of justice.

Considering the current circumstances and its imminent impacts on local communities, we, members of the Civil Society, present this letter to reinforce the importance to defend the actual system of regularization of Indigenous lands which has been proven to be the most adequate way to recognize Indigenous land rights, to harmonize conflicting interests and reassure the physical and cultural survival of Indigenous peoples within Brazilian society. Furthermore, we would like to add to the three cases mentioned above as critical cases, the whole list of areas awaiting for Presidential approval or administrative declaration or studies in order to be recognized and fully protected as Indigenous Lands:

Presidential approval (homologação)

- Indigenous Land Aldeia Velha/BA
- Baía dos Guató/MT
- Cacique Fontoura/MT
- Manoki/MT

- Morro dos Cavalos/SC
- Pindoty/SC
- Pirai/SC
- Portiguara de Monte Mor/PB
- Rio dos Índios/RS
- Tarumã/SC
- Toldo Imbu/SC
- Xukuru Kariri/AL

Ministerial declaration (portaria declaratória)

- Barra Velha do Monte Pascoal/BA
- Bragança Marituba/PA
- Irapuá/RS
- Jauary/AM
- Kanela Memortumré/MA
- Lago do Limão/AM
- Maró/PA
- Munduruku-Taquara/PA
- Murutinga-Tracajá/AM
- Sissáima/AM
- Tumbalalá/BA

FUNAI publication of identification studies from which we highlight:

- Guarani-Kaiowá indigenous lands in Mato Grosso do Sul
- Guarani-Mbyá and Tupi indigenous lands in the region of Vale do Ribeira in São Paulo
- Mato Castelhana indigenous land in Rio Grande do Sul

Relatoria de Direitos Humanos e Povos Indígenas - Plataforma Dhesca  
 Associação Brasileira de Antropologia (ABA)  
 Conselho Indigenista Missionário (CIMI)  
 Centro de Trabalho Indigenista (CTI)