

**Mandate of the Special Rapporteur on the rights of indigenous peoples.**

REFERENCE: AL Indigenous (2001-8)  
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8 October 2012

Excellency,

I have the honor to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 15/14.

In this connection, I am writing to bring to the attention of your Excellency's Government the information regarding **alleged violent attacks on 10 August 2012 and 28 August 2012 against the Guarani – Kaiowá indigenous community of Arrio Korá, which reportedly resulted in the disappearance and possible death of one community member.**

According to the information received:

Arrio Korá is an indigenous community located in the municipality of Paranhos, in the state of Mato Grosso do Sul. The Arrio Korá historically inhabited the region until the 1940s when they were displaced from their traditional lands in large part for non-indigenous settlers who came to the area to engage in large-scale agribusiness. Over the past several years, indigenous peoples in Mato Grosso do Sul, including the Arrio Korá, have attempted to regain ancestral lands that are under the control of non-indigenous occupants. Within this context, a broad pattern of violence allegedly between local farmers and indigenous communities has emerged.

In December 2009, then President Luiz Inácio Lula da Silva issued a decree that officially recognized Arrio Korá community lands. In 2010, however, the Supreme Court suspended that recognition based upon a challenge regarding a small portion of land that makes up approximately 184 out of a total of 7,176 hectares. Pending a final resolution by the State, on or about 10 August 2012, Arrio Korá community members began a peaceful protest that included the reoccupation of land, in an area that is not part of the disputed area, which is currently controlled by non-indigenous farmers. The protests were allegedly in

response to ongoing delays by the Government in resolving issues related to the disputed territory, a situation that non-indigenous farmers have exploited to continue to occupy Arrio Korá lands.

The protests were scheduled to begin in the early morning hours of 10 August when 50-armed men surrounded an encampment of approximately 400 Arrio Korá community members. Reportedly, the gunmen divided into three clusters and approached the indigenous protesters while aiming their firearms at the group. The gunmen then discharged their weapons and threatened the indigenous protesters for approximately two hours. Numerous community members fled into forest areas in an attempt to escape injury. During the attack, gunmen allegedly took away a 50-year-old community member thought to be Eduardo Pires. It is feared that the disappeared person has subsequently been killed. Additionally, it is alleged that Government law enforcement agents did visit the area shortly after the incident but did not act on the Arrio Korá community's requests for protection on the evening following the 10 August 2012 incident.

On 28 August 2012, representatives from the Federal Prosecutor's Office and Fundação Nacional do Índio were meeting with Arrio Korá community members in the area where they were camped when an additional attack was carried out against the community. Reportedly, gunmen passed by the area where the meeting was being held and discharged their firearms five times. No casualties have been reported as a result of this alleged attack.

In response to the initial attack on 10 August 2012, Federal Government representatives met with Guarani-Kaiowa and other indigenous leaders on 24 August 2012 to evaluate the situation in southern region of Mato Grosso do Sul. Further, the federal police initiated an investigation into the missing indigenous person believed to be Eduardo Pires and an investigation into alleged pledges made by area farmers to carry out a "war" against the indigenous peoples in the region.

Subsequent Government action intended to address violence in Mato Gross do Sul includes increased protection for indigenous leaders who have been the target of recent serious threats. Additionally, the federal police and National Security Force are carrying out patrols to protect indigenous communities in the region.

As you are aware, in 2009 in my report on the situation of the human rights of indigenous peoples in Brazil I made some observations on the situation in Mato Grosso do Sul, with specific reference to the Guaraní – Kaiowá peoples (A/HRC/12/34/Add.2, para. 32, 47 – 54.) Since then, I have communicated on two other occasions with your Excellency's Government regarding deep concerns of alleged violence against the indigenous peoples of Mato Grosso do Sul and the serious effects of past Government's

aggressive policies of selling large tracts of traditional lands to non-indigenous peoples in Brazil (A/HRC/15/37/Add.1, para. 60 – 64; A/HRC/19/44, p. 149).

Within this context, I take note of and appreciate your Excellency's Government's response on 30 December 2011 to my communication of 30 November 2011 regarding the alleged killing of Nísio Gomes, a Guaraní man, also of Mato Grosso do Sul (A/HRC/19/44, p. 149). In that response, your Excellency's Government reports that increased measures have been put in place to address public security matters in Mato Grosso do Sul. In particular, a "Technical Cooperation Agreement between the State of Mato Grosso do Sul and the Union" was developed through the Ministry of Justice, the Brazilian Federal Police Department, Fundação Nacional do Índio, and the Secretariat of Human Rights of the Presidency of the Republic (Secretaria de Direitos Humanos da Presidência da República). The intent of this agreement is reportedly to develop "integrated public security measures" regarding indigenous lands in the southern region of Mato Grosso do Sul and to defend the "physical, cultural, and territorial integrity of indigenous communities through community policing efforts". The agreement also provides for "preventative and active policing of indigenous lands..." Despite these advances, it seems evident that there continues to be a very troubling ongoing pattern of violence against indigenous peoples in Mato Grosso.

As I continue to monitor the circumstances surrounding this situation as well as critical land tenure issues in the region, I would be grateful if your Excellency's Government could provide any additional information it deems relevant. Additionally, I would be grateful if you could provide responses to the following questions.

1. Are the facts as alleged in the incidents of 10 August 2012 and 28 August 2012 accurate?
2. What long-term measures have been taken or are planned to provide security to the Arroio Korá community following the attacks?
3. What are the findings of any investigations regarding the alleged attacks of 10 August 2012 and 28 August 2012; the reported disappearance of Eduardo Pires; and the alleged pledges by area farmers to carry out violence against indigenous peoples?
4. What is the status of the implementation of the Technical Cooperation Agreement in Mato Grosso do Sul and, specifically, the municipality of Paranhos?

I would appreciate a response within 60 days. I undertake to ensure that your Excellency's Government's response is accurately reflected in the report I will submit to the Human Rights Council for its consideration or in any other public statements I may make in relation to this situation.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya  
Special Rapporteur on the rights of indigenous peoples