

# 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 who issued the eviction order only notified the community five days in advance, 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 informed the community's leader of the court's decision with only five days' notice before the eviction is set to take place. 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:**

President of the National Indigenous Organization (FUNAI)

Sr. João Pedro Gonçalves da Costa  
SRTVS Quadra 702/902, Bloco "A"  
Edifício Lex, 3º Andar  
70.340-904, Brasília/DF, Brazil  
Email: presidencia@funai.gov.br

**Salutation: Dear President / Exmo Sr. Presidente**

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**

**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 diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

HIS EXCELLENCY MR ROBERTO JAGUARIBE GOMES DE MATTOS, Embassy of Brazil, 14/16 Cockspur Street, London SW1Y5BL,  
Fax 020 7747 4500, Email [info.london@itamaraty.gov.br](mailto:info.london@itamaraty.gov.br) Salutation Your Excellency

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/](http://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.

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