



Téléfax: (41-22)-917 9029  
Télégrammes: UNATIONS, GENEVE  
Téléx: 41 29 62  
Téléphone: (41-22)-917 9309  
Internet: www.ohchr.org  
E-mail: nprouvez@ohchr.org



Address:  
Palais des Nations  
CH-1211 GENEVE 10

REFERENCE: NP/JF

24 August 2007

Excellency,

I wish to inform you that at its 71<sup>st</sup> session (30<sup>th</sup> July to 17 August 2007), the Committee on the Elimination of Racial Discrimination considered further the situation of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples in the Indigenous Land of Raposa Serra do Sol (RSS) of the State of Roraima, Brazil, in the light of the responses provided by the Brazilian Government. In addition, information relevant to this matter was also received from the Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living, on the right to food, and on the situation of human rights and fundamental freedoms of indigenous people as well as from the Special Representative of the Secretary-General on the situation of human rights defenders. Non-governmental organizations also provided relevant information.

The Committee wishes to thank the Brazilian Government for the responses to its letter of 14 March 2007 received on 16 July 2007. It further welcomes the openness demonstrated and additional information provided by Ambassador de Abreu e Lima Sérgio Florêncio during his meeting with the Committee held on 2 August 2007.

In view of the information at its disposal, the Committee remains extremely preoccupied however, by the situation of the RSS. It notes with concern that the situation has not improved or has even deteriorated further in many regards and wishes to receive updating information from the State party in relation to the following issues:

1. Over 80 non-indigenous illegal occupants, including a number of those running large rice plantations, still remain in the RSS and continue their farming activities;

S.E. M. Clodoaldo Huguency  
Permanent Representative  
Permanent Mission of Brazil  
Avenue Louis Casaï  
1216 Cointrin  
Fax: 022 788 25 05

2. A precise date has not been indicated for the total and final removal of non-indigenous illegal occupants of the RSS, which should have occurred by 15 April 2006;
3. While the decision of the Federal Supreme Court determining that the illegal occupants have to leave the area is to be welcomed, the petition filed by the Federal General Attorney to abrogate the two Municipal Laws restricting the area of indigenous land is still pending before the Federal Supreme Court;
4. No specific measures to protect indigenous peoples have been taken by local or federal authorities since the Committee last considered the issue. This is particularly of concern as, according to information from various sources before the Committee, cases of violence against members of the indigenous communities have very recently occurred, including with the alleged participation of members of local authorities.
5. No information on complaints, investigations or convictions has been provided to the Committee despite the fact that the above-mentioned cases of violence against members of the indigenous communities have been communicated to the highest political and judicial authorities of the State party, thus reflecting the current climate of impunity and;
6. The confirmation that amendments to the Constitution are being considered by the Chamber of Representatives, with a view to decreasing the constitutional protection of indigenous lands.

Furthermore, bearing in mind its General Recommendation 23 on the rights of indigenous peoples, and recalling that, despite its federal structure, the State party is a single State under international law and has the obligation to implement the Convention throughout its territory, the Committee also recommends that the State party:

1. Complete the final and total removal of all illegal non-indigenous occupants of the RSS, as a matter of urgency, thus implementing the Portaria n.º 534 and the Presidential Decree of 15 April 2005 homologating it, as all legal impediments have allegedly been revoked;
2. Ensure, through adequate federal and state means, the security of all members of the indigenous communities, as well as the exercise of their rights under the Convention. This should include all necessary measures to prevent possible violence during the final removal of the illegal occupants of the RSS. Federal police stations in the RSS should be reopened in order to actively implement the State party's commitment to ensuring the security of all members of the indigenous communities, as provided by article 5 (b) of the Convention;
3. Ensure, in the light of the Committee's General Recommendation 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, that the absence of investigations or prosecutions is not due to the prejudice of the local police or judicial authorities towards the indigenous communities, or their complicity with

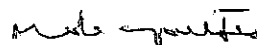
the perpetrators of the violent acts against those communities. A federal investigation would help to clarify such allegations;

4. Provide adequate reparation to the indigenous communities for the illegal use of their lands and the environmental damage suffered, as an obligation assumed by the State party under article 6 of the Convention;
5. Investigate, prosecute and convict persons responsible for the dissemination of ideas based on racial superiority or hatred, as well as for acts of violence or incitement to such acts against the indigenous peoples in the RSS, as required under article 4 of the Convention;
6. Prevent and combat prejudice leading to racial discrimination, and provide information on the measures adopted with regard to promoting tolerance, in particular in the field of education and through awareness-raising campaigns, including in the local media, in accordance with article 7 of the Convention.

In accordance with article 9 (1) of the Convention and article 65 of its rules of procedure, and in addition to its request for information on any relevant developments related to the removal of all illegal occupants of RSS, the Committee requires that the State party provide detailed information on the implementation of the above-mentioned recommendations, **no later than 30 November 2007**, in order to further decide on any action to be taken under its early warning and urgent action procedure.

Allow me, Excellency, to reiterate the wish of the Committee to continue the constructive dialogue with your Government, and to underline that the Committee's observations and requests for information, as well as its recommendations, are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Régis de Gouttes  
Chairman of the Committee for the  
Elimination of Racial Discrimination