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Excellency,

The Committee wishes to inform you that its 69th session held from 31 July to 18 August 2006, it considered on a preliminary basis the request submitted by the Conselho Indígena de Roraima, the Indigenous Peoples Law and Policy Program of the University of Arizona, the Rainforest Foundation and the Forest Peoples Programme, asking the Committee to act under its follow-up procedure as well as under its early warning and urgent action procedure on the situation of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples of Raposa Serra do Sol indigenous lands of the state of Roraima, Brazil.

The Committee recalls the provisions of paragraph 15 of its Concluding observations adopted following the examination of the fourteenth to seventeenth periodic reports of Brazil in 2004 (CERD/C/64/CO/2):

“While the Committee takes note of the State party’s objective to complete the demarcation of indigenous lands by 2007 and considers it an important step towards securing the rights of indigenous peoples, it remains concerned at the fact that effective possession and use of indigenous lands and resources continues to be threatened and restricted by recurrent acts of aggression against indigenous peoples.

In the light of general recommendation 23 on the rights of indigenous peoples, the Committee recommends that the State party complete the demarcation of indigenous lands by 2007. Furthermore, the Committee recommends that the State party adopt urgent measures to recognize and protect, in practice, the right of indigenous peoples to own, develop, control and use their lands, territories and resources. In this connection,

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the Committee invites the State party to submit information on the outcome of cases of conflicting interests over indigenous lands and resources, particularly those where indigenous groups have been removed from their lands.”

The Committee has received information concerning the demarcation and titling process in Raposa Serra do Sol. It notes with appreciation that a Presidential Decree, signed on 15 April 2005, ratified the administrative delimitation and demarcation of Raposa Serra do Sol Indigenous land, located in the Municipalities of Normandia, Pacaraima and Uiramutã, in the State of Roraima, for the permanent possession of the Ingaricó, Macuxi, Patamonia, Taurepang and Wapichana indigenous groups. It notes however that the Presidential Decree which reportedly called for the removal of non-indigenous settlers present in the area of Raposa Serra do Sol, at the latest by 15 April 2006, has not been implemented to date, and that the land has still not been formally registered at the Federal level, as a final step of the demarcation and titling procedure.

The Committee notes with concern allegations according to which the Ingaricó, Macuxi, Patamona, Taurepang and Wapichana peoples of Raposa Serra do Sol are being exposed to violent attacks on their person, property and institutions and that there is a pattern of escalating racial hatred and violence towards them. The Committee is particularly concerned about information that indigenous schools and missions have been burned, villages and food supplies destroyed, indigenous families displaced and left homeless, bridges permitting sole access to indigenous areas in Raposa Serra do Sol set on fire and vandalized, and people threatened, beaten, kidnapped and shot by non-indigenous settlers. According to the information received, the hatred and violence has also been supported by some local government and law enforcement officials.

In light of the above information, the Committee considers that the opening of a substantial dialogue with the State party on these issues would help to clarify the situation before the submission and examination of the eighteenth to twentieth periodic reports of Brazil, to be submitted in a single document on 4 January 2008.

In order to facilitate this dialogue, and in accordance with article 9(1) of the Convention and article 65 of its rules of procedure, the Committee would like to receive the State party's comments on the above allegations. It also draws the attention of the State party to the following list of questions:

- 1) Please provide information on measures taken by the State party to implement the Presidential Decree of 15 April 2005. What difficulties, if any, have been encountered in this regard?
- 2) Please comment on the information according to which legal challenges against the recognition of indigenous lands have resulted in judicial rulings promoting third-party property interests, in contradiction with constitutional and legislative provisions protecting indigenous lands.

3) What measures has the State party adopted to protect the Ingaricó, Macuxi, Patamona, Taurepang and Wapichana peoples in Raposa Serra do Sol? Have those responsible for acts of violence been prosecuted and punished? Please inform the Committee on the number of complaints, prosecutions and sentences in this regard.

Please allow me, Excellency, to reiterate the wish of the Committee to pursue the constructive dialogue with your Government, and to underline that the Committee's observations and request for further information are made with a view to assisting your Government in the effective implementation of the Convention.

In this perspective, the Committee wishes to receive additional information on these issues by 31 December 2006, so that it can be examined at its 70th session, to be held from 19 February to 9 March 2007.

Yours sincerely,

Régis de Gouttes

Chairman of the Committee for the
Elimination of Racial Discrimination