



**Inter-American Commission on Human Rights Agrees to Hear Case of Indigenous Peoples in
Raposa Serra do Sol, Brazil
(15 November 2010)**

After years of waiting, during which they suffered from violent attacks and the degradation of their ancestral lands, the Ingaricó, Macuxi, Patamona, Taurepang and Wapichana indigenous peoples of Raposa Serra do Sol received a favorable decision by the Inter-American Commission on Human Rights. During its last session at the end of October, the Commission issued an admissibility decision in their case against the Government of Brazil. In doing so, the Commission signaled not only that the Government's treatment of indigenous peoples in Raposa may constitute a violation of their human rights, but that the Commission is now ready to enter its final stage of review of the case and issue a concluding report.

On behalf of the indigenous peoples of Raposa Serra do Sol, the Indigenous Council of Roraima (CIR) and the Rainforest Foundation US submitted the case to the Commission in 2004. Since then, through hearings in Washington DC, on site visits in Brazil, and multiple filings submitted, the Commission learned in depth of the thirty-year struggle advanced by the indigenous peoples of Raposa to secure title to their lands and remove the rice growers and others who have damaged their environment and violently attacked their people and property. During that time the Commission issued precautionary measures requiring the Government to take a number of steps to protect the lives and well-being of the indigenous peoples in Raposa. Finally, a Presidential Decree was issued in April of 2005 ratifying the demarcation of Raposa, and non-indigenous occupants were eventually removed in 2009, following a critical Supreme Court decision.

"In its time before the Commission, the case has brought positive change for the peoples of Raposa," stated Christine Halvorson, of the Rainforest Foundation US. "However, much must still be done, not the least of which includes the full investigation and bringing to justice of all those who perpetrated violence against the indigenous peoples in Raposa. The government must also modify its laws to ensure that no other indigenous communities will have to suffer again in this way and be deprived of their lands and other human rights as protected in the national constitution and international law."

"This is how the Commission works", stated Vanessa Jiménez, a lawyer with the Forest Peoples Programme who represents the Raposa communities in this case. "A case is before the Commission for years and much happens during that time. Eventually an *admissibility decision* is issued, and then a final determination of violations follows shortly thereafter. We are so happy that this critical moment has now arrived. This decision can have a huge impact on the struggles of indigenous peoples throughout Brazil, from those fighting against development projects occurring on their lands without their consent to those still trying to secure demarcation and titling of their lands."

For several years Brazil tried to have the case declared inadmissible and dismissed. As a result of continued vigilance by the indigenous communities and their allies, the Commission maintained its interest in the case and regularly asked Brazil to produce reports on the actions it was taking to address the concerns alleged by the indigenous peoples of Raposa. Most recently, a number of indigenous and human rights NGOs in Brazil

opposing the Belo Monte dam project submitted a letter to the Commission in support of the admissibility of the RSS case, understanding that engagement with some of the issues at stake – such as indigenous property rights and consultation – could positively contribute to their situation. Some of these same organizations just filed their own request for precautionary measures before the Commission. The United Nations Committee on the Elimination of Racial Discrimination has also issued a number of communications to the Government about Raposa and the treatment of indigenous peoples in Brazil.

“The collective national and international pressure for reform and greater respect for the human rights of indigenous peoples in Brazil is increasing and all eyes are watching what the Government of Brazil will do next. This admissibility decision increases that pressure. We hope that Brazil seizes this opportunity to do the right thing” stated Dionito José de Souza, Coordinator of the Indigenous Council of Roraima.

According to the rules of procedure of the Commission, this new admissibility decision means that the Commission believes that the facts surrounding the indigenous peoples of Raposa, if true, constitute human rights violations as described in the American Convention on Human Rights, the American Declaration on the Rights and Duties of Man, and other relevant human rights instruments. The Commission is now giving the Government and the Petitioners (90) ninety days to submit their final observations and comments. They will then make a final decision and recommendations. If violations are found, the Government of Brazil will be given recommendations to reform and remedy the problem. If Brazil does not comply, the Commission may transfer the case to the Inter-American Court of Human Rights in Costa Rica which has the power to issue binding decisions and award of monetary compensation.

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