



*Conselho Indígena de Roraima  
Rainforest Foundation US  
Forest Peoples Programme*

---

20 July, 2009

Mr. Torsten Schackel, Secretary  
United Nations Committee on the Elimination of Racial Discrimination  
Treaties and Commission Branch  
Office of the High Commissioner for Human Rights  
UNOG-OHCHR, 1211 Geneva 10, Switzerland  
[TSchackel@ohchr.org](mailto:TSchackel@ohchr.org)

**RE: Update on Brazil: Supreme Court Decision, Removal Completed, and Ongoing Violations**

Dear Mr. Schackel:

1. On behalf of the Conselho Indígena de Roraima (Indigenous Council of Roraima - CIR), representing the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples of Raposa Serra do Sol (Raposa or RSS) indigenous land in the state of Roraima, Brazil; the Rainforest Foundation US, and the Forest Peoples Programme (FPP) (“the Submitting Organizations”), we would like to thank the Secretariat and the Committee on the Elimination of Racial Discrimination (CERD or Committee) for the attention both have provided to address the situation of the indigenous peoples of Raposa. We would like to further take this opportunity, in anticipation of the Committee’s 75<sup>th</sup> session to provide you with a brief update as to the situation in Raposa.
2. As described in greater detail below, since the Committee’s 74<sup>th</sup> session, Brazil’s Supreme Court finally issued a decision declaring the demarcation of Raposa Serra do Sol as constitutional. This allowed the Government to finally complete the removal of non-indigenous trespassers from Raposa which began over four years ago. The decision, however, includes a number of very worrisome limitations – restrictions that some have said may lead it to be a temporary victory for the indigenous peoples of Raposa but a serious, long term limitation on their rights and the rights of all other indigenous peoples in Brazil going forward. Moreover, the Government continues to refuse to complete its

investigations and sanctioning of all those who perpetrated violence against the indigenous peoples. Finally, the Pacaraima Municipal laws which we have discussed with this Committee in the past still have not been nullified and the national legislative bill to construct a hydro power plant on the Cotingo River in Roraima affecting the lands of Raposa continue before Congress still without any consultation or consent of the indigenous peoples of Raposa. For these reasons the Submitting Organizations request that the Committee communicate with the Government of Brazil and:

- a. Applaud it for the removal of non-indigenous occupants from Raposa and the recent Court affirmation of the constitutionality of the demarcation of the Raposa lands;
  - b. Request the Government to submit a comprehensive report to the Committee regarding how its departments, ministries, and agents shall interpret the decision and in particular its (19) conditions in order to ensure that it does not violate the human rights affirmed in the Convention on the Elimination of All Forms of Racial Discrimination (Convention) and other applicable international standards which apply to Brazil;
  - c. Encourage the Government to immediately convene a dialogue with the indigenous peoples of Raposa to discuss the full impact of the Court decision regarding their rights to use the lands and resources in question;
  - d. Call upon the Government to finally provide a full accounting of the status of all criminal investigations and prosecutions with respect to perpetrators of violent crimes against the indigenous peoples in Raposa (including those crimes listed at Annex C of this letter); and
  - e. Seek the information previously requested by this Committee but not delivered by Brazil to date – including information regarding the status of the continuing Pacaraima Municipal laws and the pending bill to construct a dam affecting Raposa.
3. In our last communication of 3 February 2009, in anticipation of the Committee's 74<sup>th</sup> session, the Submitting Organizations informed you that all were waiting for a final decision by the Federal Supreme Court (*Supremo Tribunal Federal*)(STF or Court) regarding the legality of the demarcation of the Raposa area.<sup>1</sup> This decision finally occurred on 19 March 2009 and we are pleased to announce it: affirmed the constitutionality of the demarcation of the indigenous territory of Raposa, affirmed that this demarcation will not prejudice the economic development of the region nor harm national sovereignty (given the fact that this territory is located at the international border), and at last recognized that the Raposa territory was in fact traditionally indigenous land. This decision further paved the way for the long awaited completion by the federal government of the removal of all non-indigenous occupants from the Raposa

---

<sup>1</sup> See Annex A. Also: "Supremo estabelece 19 condições para manter demarcação contínua da Raposa", Agência Brasil, 19/03/2009. <http://www.agenciabrasil.gov.br/noticias/2009/03/19/materia.2009-03-19.8426289673/view>

area. The indigenous peoples of Raposa and the Submitting Organizations are extremely pleased by this development.

4. Unfortunately, as we predicted to this Committee back in February, the Court decision did more than approve the Raposa demarcation within its ruling. As a result, we are deeply concerned that the decision on its face and especially if interpreted and implemented poorly – can have the effect of doing more harm to indigenous peoples throughout Brazil in the future and undermine the rights they have already secured both in domestic and international law. First, as we feared, embedded in the decision are the 19 conditions and limitations we highlighted to you in our letter of 3 February 2009. (See Annex A and B for a full list of the nineteen conditions in both the original Portuguese and an unofficial English translation). These restrict and limit indigenous peoples’ rights by placing conditions on the use and enjoyment of their lands and resources. These conditions affirm that indigenous land rights are limited in the context of national sovereignty, exploitation of mining resources and the use of potential energy sources.
5. The Submitting Organizations understand that indigenous people’s land rights are not absolute, however, nor is the State’s ability to limit those rights -- especially when such limitations may affect the integrity of indigenous lands and resources and threaten their survival as a tribal people.<sup>2</sup> The Submitting Organizations fear that these nineteen (19) conditions can collectively, and in many cases individually, undermine the very rights that the Court pretends to protect and enforce as a part of the State’s overall obligations under national and international law.<sup>3</sup> These include above all, the collective rights of indigenous and tribal peoples “to own, develop, control and use their communal lands, territories and resources” and to consultation and free and informed consent as affirmed already by this Committee.<sup>4</sup>
6. For instance, while this Committee has affirmed that under the Convention indigenous peoples have the right to consultation as well as free, prior and informed consent over activities that can affect their rights, lands, territories and resources, several of the 19 conditions listed in Annex A dispense with the need for consultation. For example, condition 6 provides that “[t]he activities of the Federal Police on indigenous lands are guaranteed and will take place regardless of consultation with indigenous communities affected or with FUNAI.” The conditions further allow the Federal government to continue unimpeded in various public works, development and resource exploitation activities; strips indigenous peoples of their ability to negotiate reasonable benefits from commercial and state infrastructure and development projects undertaken within their

---

<sup>2</sup> *Saramaka People v. Suriname*. Preliminary Objections, Merits, Reparations and Costs. Judgment of 28 November 2007. Series C No. 172, at paras. 129-158; *Saramaka People v. Suriname. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs*. Judgment of 12 August 2008. Series C No. 185 at paras. 37-39.

<sup>3</sup> Upon analysis, conditions 14, 15, 16, & 18 largely restate provisions and protections already existing in Brazil’s internal legal framework, but without knowing the final wording, the best approach is a decision without any conditions.

<sup>4</sup> General Recommendation XXIII, Indigenous Peoples, General Recommendation No. 23: Indigenous Peoples (18 August 1997), para. 5.

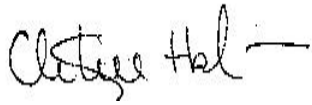
lands; and even allows the transit and settlement of non-indigenous peoples in any area based on conditions established by FUNAI (not the indigenous peoples), appearing to question the very necessity of finishing the federal removal of non-indigenous occupants.

7. Indeed, conditions 5, 6 and 7 harm indigenous peoples' right of consultation and their exclusive usufruct (use) of their lands and resources as guaranteed by the Brazilian Constitution. These rights to land, consultation and consent are further affirmed by ILO Convention 169, the American Convention on Human Rights, as well as this Convention and other standards which apply to Brazil. These rights respect indigenous cultural differences, their social organization, traditional uses and customs, but the conditions in the new Court decision appear to do the opposite.
  - a. In the Court's judgment, the interest of national defense policy supersedes the rights of indigenous peoples, permitting the realization of projects, works and ventures, such as the installation of military bases, units and posts; the intervention and actions of the military and the federal police; the strategic expansion of road networks, the exploration of energy alternatives; and the construction of highways within the interior of the Raposa -- all without the need for consultation and consent of the affected indigenous communities. It is also worth pointing out that the proposed law that was transmitted to the National Congress for authorizing the Cotingo Dam (previously discussed with this Committee) could now gain force as a result of these conditions and move forward more effectively without the due legal process afforded to the indigenous peoples of Raposa.
  - b. The indigenous communities are further afraid that these conditions could lead to new processes of colonization and exploration of Raposa, as has happened once in the past (in the year 2000) with the construction of barracks in Uiramuta. Even in that case the indigenous peoples were not able to dialogue with the State with respect to the location so that it would not prejudice indigenous communities.
8. These conditions and others, if interpreted and implemented poorly, also can prevent the indigenous peoples of Raposa – and other areas in Brazil – from enjoying the full use and enjoyment of their traditional lands as guaranteed by the Brazilian Constitution and Article 5 of the Convention. For this reason, all in Brazil, not just those in Raposa, are concerned about the wider impact the ruling may have. In fact, these conditions could undermine existing constitutional protections and in particular the autonomy of the indigenous peoples and their rights to make decisions for themselves as to the uses of their lands.. For instance, conditions 8 9 and 10 recognize the superimposition of conservation units over indigenous lands, as is the case with Mount Roraima National Park, which is superimposed over the indigenous lands of Raposa. The conditions establish exclusive control by the Chico Mendes Institute, a body that is part of the Ministry of Environment, conceding to it administration and responsibility for the areas in the interior of Raposa. An example of what can result from this decision is foreseen in the decision itself. Non-indigenous visitors and fishermen can be admitted into the conservation area only during the hours and under the conditions stipulated by the Chico Mendes Institute and not by the indigenous communities themselves.

9. Conditions 12 and 13 can also be seen as an affront to the principal of equality and violating the right of all persons to be justly compensated for incurred harms (social, environmental and moral) – particularly harms to indigenous peoples arising from exploration and the use of their lands by third parties or the State itself. Conditions 12 and 13 can be interpreted as not treating indigenous peoples the same as the beneficiaries of any eventual reparations otherwise provided in law for other Brazilian property owners or possessors of any rural or urban territory. The Court’s decision says that the entrance, transit or permanent stay of non-indigenous persons can not be the object of recovery of any taxes of any nature on the part of the indigenous communities of the area, and prohibits compensation for the use of highways, public equipment, transmission lines or whatever other equipment, installations, or public services that may be located on their ancestral lands.
10. Additionally, while the 1988 ratification of Brazil’s Constitution established the right of indigenous peoples to their traditional lands, in its final decision on Raposa the Court interpreted the Constitution as providing that an area must have been occupied by the indigenous community in 1988 to be demarcated as indigenous land. Under this interpretation, it is possible that going forward, traditional lands where indigenous peoples were displaced or forced to leave before 1988 could no longer be claimed by the indigenous people in question. In addition, condition 17 provides that “Demarcated indigenous lands cannot be expanded.” In this sense, the decision violates the Brazilian Constitution, extending the decision to those indigenous groups that live outside of Raposa and affecting prior decisions of the Court which placed the matter of legal recognition of indigenous lands under the ambit of the state indigenous entity -- FUNAI. Prior demarcations of indigenous lands – including those characterized by known errors and problems, could never be corrected. In Roraima alone, there are currently 22 petitions for expansion of existing demarcated lands which have been formalized by FUNAI. Indeed, without justification, this condition would appear to preclude an indigenous people from securing additional demarcated lands even where the full lands they have traditionally used and occupied were not included in the original demarcations. This would be a clear violation of the State’s duties and obligations under the Convention as well as Brazil’s own Constitution. If applied this condition would threaten the very physical and cultural survival of indigenous peoples throughout Brazil.
11. Furthermore, the Submitting Organizations are concerned by the Magistrates’ notable level of discomfort with the notion that international law or international bodies have a role to play in advancing the rights of indigenous peoples and settling land claims between the State of Brazil and indigenous peoples. The magistrates’ aversion to international law increase the concern that future applications and interpretations of this decision across the nation may prejudice the rights of indigenous peoples, particularly as articulated under international law, but yet to be fully affirmed in Brazil’s domestic laws.
12. For these reasons and those discussed in our previous communication of 3 February, we respectfully request that the Committee remain seized of this matter and consider the recommendations for action detailed in paragraph 2(a) –(e) above.

13. We thank you for the Secretariat and Committee's continued attention to this urgent matter. If the Secretary or Committee members require any additional information that is not contained herein, please do not hesitate to notify the undersigned.

With great respect and appreciation for your work,



Christine Halvorson  
Program Director  
Rainforest Foundation US  
Tel: 001 212 431 9098  
[christineh@rffny.org](mailto:christineh@rffny.org)



Vanessa Jiménez, Attorney  
Legal & Human Rights Programme  
Forest Peoples Programme  
Tel: 001 703 875 0360  
[vjimenez342@hotmail.com](mailto:vjimenez342@hotmail.com)

  
Dionito José de Souza

Dionito José de Souza  
Conselho Indígena de  
Roraima  
Tel: + 55 95 3626 7011  
[cirjuri@terra.com.br](mailto:cirjuri@terra.com.br)

## ANNEX A: Supreme Court Decision of 19 March 2009

**Decisão:** Suscitada questão de ordem pelo patrono da Comunidade Indígena Socó, no sentido de fazer nova sustentação oral, tendo em vista fatos novos surgidos no julgamento, o Tribunal, por maioria, indeferiu o pedido, vencido o Senhor Ministro Joaquim Barbosa. Prosseguindo no julgamento, o Tribunal, vencidos os Senhores Ministros Joaquim Barbosa, que julgava totalmente improcedente a ação, e Marco Aurélio, que suscitara preliminar de nulidade do processo e, no mérito, declarava a ação popular inteiramente procedente, julgou-a o Tribunal parcialmente procedente, nos termos do voto do Relator e achegas do Ministro Menezes Direito, declarando constitucional a demarcação contínua da Terra Indígena Raposa Serra do Sol e determinando que sejam observadas as seguintes condições: **(i)** o usufruto das riquezas do solo, dos rios e dos lagos existentes nas terras indígenas (art. 231, § 2º, da Constituição Federal) pode ser relativizado sempre que houver, como dispõe o art. 231, § 6º, da Constituição, relevante interesse público da União, na forma de lei complementar; **(ii)** o usufruto dos índios não abrange o aproveitamento de recursos hídricos e potenciais energéticos, que dependerá sempre de autorização do Congresso Nacional; **(iii)** o usufruto dos índios não abrange a pesquisa e lavra das riquezas minerais, que dependerá sempre de autorização do Congresso Nacional, assegurando-se-lhes a participação nos resultados da lavra, na forma da lei; **(iv)** o usufruto dos índios não abrange a garimpagem nem a faiscação, devendo, se for o caso, ser obtida a permissão de lavra garimpeira; **(v)** o usufruto dos índios não se sobrepõe ao interesse da política de defesa nacional; a instalação de bases, unidades e postos militares e demais intervenções militares, a expansão estratégica da malha viária, a exploração de alternativas energéticas de cunho estratégico e o resguardo das riquezas de cunho estratégico, a critério dos órgãos competentes (Ministério da Defesa e Conselho de Defesa Nacional), serão implementados independentemente de consulta às comunidades indígenas envolvidas ou à FUNAI; **(vi)** a atuação das Forças Armadas e da Polícia Federal na área indígena, no âmbito de suas atribuições, fica assegurada e se dará independentemente de consulta às comunidades indígenas envolvidas ou à FUNAI; **(vii)** o usufruto dos índios não impede a instalação, pela União Federal, de equipamentos públicos, redes de comunicação, estradas e vias de transporte, além das construções necessárias à prestação de serviços públicos pela União, especialmente os de saúde e educação; **(viii)** o usufruto dos índios na área afetada por unidades de conservação fica sob a responsabilidade do Instituto Chico Mendes de Conservação da Biodiversidade; **(ix)** o Instituto Chico Mendes de Conservação da Biodiversidade responderá pela administração da área da unidade de conservação também afetada pela terra indígena com a participação das comunidades indígenas, que deverão ser ouvidas, levando-se em conta os usos, tradições e costumes dos indígenas, podendo para tanto contar com a consultoria da FUNAI; **(x)** o trânsito de visitantes e pesquisadores não-índios deve ser admitido na área afetada à unidade de conservação nos horários e condições estipulados pelo Instituto Chico Mendes de Conservação da Biodiversidade; **(xi)** devem ser admitidos o ingresso, o trânsito e a permanência de não-índios no restante da área da terra indígena, observadas as condições estabelecidas pela FUNAI; **(xii)** o ingresso, o trânsito e a permanência de não-índios não pode ser objeto de cobrança de quaisquer tarifas ou quantias de qualquer natureza por parte das comunidades indígenas; **(xiii)** a cobrança de tarifas ou quantias de qualquer natureza também não poderá incidir ou ser exigida em troca da utilização das estradas, equipamentos públicos, linhas de transmissão de energia ou de quaisquer outros equipamentos e instalações colocadas a serviço do público, tenham sido excluídos expressamente da homologação, ou não; **(xiv)** as terras indígenas não poderão ser objeto de arrendamento ou de

qualquer ato ou negócio jurídico que restrinja o pleno exercício do usufruto e da posse direta pela comunidade indígena ou pelos índios (art. 231, § 2º, Constituição Federal, c/c art. 18, *caput*, Lei nº 6.001/1973); **(xv)** é vedada, nas terras indígenas, a qualquer pessoa estranha aos grupos tribais ou comunidades indígenas, a prática de caça, pesca ou coleta de frutos, assim como de atividade agropecuária ou extrativa (art. 231, § 2º, Constituição Federal, c/c art. 18, § 1º, Lei nº 6.001/1973); **(xvi)** as terras sob ocupação e posse dos grupos e das comunidades indígenas, o usufruto exclusivo das riquezas naturais e das utilidades existentes nas terras ocupadas, observado o disposto nos arts. 49, XVI, e 231, § 3º, da CR/88, bem como a renda indígena (art. 43 da Lei nº 6.001/1973), gozam de plena imunidade tributária, não cabendo a cobrança de quaisquer impostos, taxas ou contribuições sobre uns ou outros; **(xvii)** é vedada a ampliação da terra indígena já demarcada; **(xviii)** os direitos dos índios relacionados às suas terras são imprescritíveis e estas são inalienáveis e indisponíveis (art. 231, § 4º, CR/88); e **(xix)** é assegurada a participação dos entes federados no procedimento administrativo de demarcação das terras indígenas, encravadas em seus territórios, observada a fase em que se encontrar o procedimento. Vencidos, quanto ao item (xvii), a Senhora Ministra Carmen Lúcia e os Senhores Ministros Eros Grau e Carlos Britto, Relator. Cassada a liminar concedida na Ação Cautelar nº 2.009-3/RR. Quanto à execução da decisão, o Tribunal determinou seu imediato cumprimento, independentemente da publicação, confiando sua supervisão ao eminente Relator, em entendimento com o Tribunal Regional Federal da 1ª Região, especialmente com seu Presidente. Votou o Presidente, Ministro Gilmar Mendes. Ausentes, justificadamente, o Senhor Ministro Celso de Mello e a Senhora Ministra Ellen Gracie, que proferiram voto em assentada anterior. Plenário, 19.03.2009.



**ANNEX B: Translation of the 19 conditions established by Supreme Court decision of  
19 March 2009.**

1. The use of soil, rivers and lakes on indigenous lands can be overcome in a general manner whenever there is public interest of the Union, according to complementary norms. (citing to Federal Constitution article 231 paragraph 6);
2. Indigenous usage rights do not extend to water resources and potential energy sources, which require Congressional authorization;
3. Indigenous usage rights do not include the study and extraction of natural resources, which require Congressional authorization;
4. Indigenous usage rights do not include mining or prospecting, depending on the case, a mining permit would be required;
5. Indigenous usage rights are conditional on the interests of National Defense policy. The installation of military bases, units and other military infrastructure; the strategic expansion of roads; the exploitation of energy alternatives and the safeguarding of strategic resources, as determined by the relevant government agencies (the Ministry of Defense and the National Defense Council) will be implemented regardless of consultation with indigenous communities affected or with FUNAI;
6. The activities of the Federal Police on indigenous lands are guaranteed and will take place regardless of consultation with indigenous communities affected or with FUNAI;
7. Indigenous usage rights do not impede the installation of public utilities, communications networks, roads and means of transportation, nor the infrastructure necessary for the provision of public services—particularly health and education—by the Union;
8. Indigenous enjoyment of rights over areas affected by Conservation Units is to be under the responsibility of the Instituto Chico Mendes de Conservação da Biodiversidade;
9. The Instituto Chico Mendes de Conservação da Biodiversidade will be responsible for administering conservation units overlapping with indigenous lands, with the participation of indigenous peoples from the area, who can offer their opinions, and taking into consideration indigenous traditions and customs, for which it may consult with FUNAI;
10. The transit of non-indigenous visitors and researchers must be allowed in the area affected by the conservation unit according to the times and conditions established by the Instituto Chico Mendes de Conservação da Biodiversidade;
11. The entry, transit and permanence of non-indigenous people on the rest of an indigenous land will be allowed, according to conditions established by FUNAI;
12. The entry, transit and permanence of non-indigenous people cannot be subject to charging any fees or other charges by indigenous communities;
13. The charging of fees or any amount of money of any nature by indigenous communities cannot be applied to or demanded in exchange of the use of roads, public utilities, transmission of energy or any other equipment or installation that serves the public even if not explicitly excluded in the ratification of the area;
14. Indigenous lands cannot be object of leases or any legal transactions that restrict the full exercise of direct possession by indigenous communities;
15. Non-members of a tribal group or indigenous communities are prohibited from hunting, fishing, collecting fruit or developing agricultural or ranching activities;

16. Indigenous patrimony - indigenous lands; the exclusive enjoyment of natural resources and the utilities existing on occupied indigenous lands (according to article 49 XVI and article 213 para. 3 of the Constitution); and indigenous income – is exempt from taxes;
17. Demarcated indigenous lands cannot be expanded;
18. Indigenous rights related to their lands are imprescriptible and the lands are inalienable and indisposable.
19. The participation of federated entities [states] in the administrative process of demarcating indigenous lands in their territories is guaranteed, according to the phase in process.

## **ANNEX C: Key Acts of Violence Still require Full Investigation and Prosecution**

### **2004**

**23 November**, Armed raid is conducted on four indigenous communities (Brilho do Sol, Homologação, Jawari and Lilás) and two field houses (Insikiran & Tai Tai), in Baixo Cotingo.

### **2005**

**September**, Urucuri Bridge permitting access to northern areas of Raposa, near the community of São Mateus, is burned.

**17 September**, 150 armed and masked men enter the Surumu Mission at the entrance to RSS; the Surumu School is attacked and burned, including the class building, church, hospital, and dormitory. A teacher is beaten and has his car burned.

**22 September**, men linked to the opposition of the demarcation of Raposa set fire to three wooden bridges on access roads to the Serras region, where the celebrations are being held

**23 November**, Armed men set fire to two houses in the community of Nova Vitoria.

### **2006**

**March**, Indigenous communities Maloquinha, Barro, Miang and Cumana I are invaded by armed men.

**19 April**, Opposition demonstrators blockade route 174 and massively remain on RSS.

**23 April**, Two employees of rice farmer, Nelson Itikawa, shoot 4 bullets at the indigenous man Moises Martins in Tai Tai area.

### **2007**

**February**, Former Pacaraima Municipal Mayor and rice farmer Paulo Quartiero and allies attempt to prohibit the CIR General Assembly in Surumu. Several interruptions occur during the meeting due to attacks against the building in which the indigenous peoples were convened. One indigenous man volunteering for security to the Assembly was severely beaten.

**14 June**, Members of the Macuxi people are threatened by non-indigenous farm workers when they peacefully reoccupied a traditional site known as Parawani (within Raposa), located near the rice farms Deposito and Canada.

**17 June**, A traditional leader from the Barro community, Anselmo Dionisio Filho, is followed and intimidated by a white car and 4 passengers filming his every move on the road accessing RSS and Uiramuta. Among the occupants of the white car are Congressman Marcio Junqueira

and Quartiero. Later, Quartiero and another man enter Parawani settlement area in the same white car followed by another vehicle loaded with 30 hooded armed men, circling 6 community members and 1 child. The attackers shoot into the air and destroy many of the community's belongings. They then load people into a truck, carrying them to another location and threatening them with death if they return to the settlement.

**21 June**, Heliomar Gomes de Souza, Lindomar Lauro Brasil, and Histarley Souza face threats by the same white car and gun shots by hooded men on the main bridge accessing RSS, while traveling from Surumu to Canta Galo community.

**27 June**, Indigenous people from SODIUR and ALIDCIR, linked to the rice-growers, blockade roads, preventing people connected to CIR from passing.

**28 July**, Shots are fired by gunmen allegedly linked to Quartiero and another rice-grower, Ivo Barili, near the community of Jawari in RSS.

**19 September**, Indigenous people from the community of Barro claim they have been followed by motorcycles ridden by gunmen hired by Quartiero, who fired their guns, intimidating and threatening indigenous leaders.

**1 November**: People from Copaíba receive death threats from gunmen allegedly hired by Quartiero, who point their guns at them, taking the fish they had just caught.

**8 November**, Jair Cunha and his family have to leave the Homologacao indigenous community to another indigenous community fearing threats and discrimination by non-indigenous occupant Raimundo Cardoso Sobrinho. Similarly, the non-indigenous employee of Fazenda Sao Jose, Coronel Wilson, is threatening indigenous families in the area; and rice farmer Ivalcir Centenario prohibited indigenous peoples to fish or hunt near his occupation and is building fences to limit the transit of indigenous peoples in RSS. Indigenous communities of Cantao and Canta Galo are impeded in their attempts to fish and hunt in their lands as demarcated and titled.

**13 November**, Macuxi indigenous leader from Macaco community, Dobercio Mendes, is murdered in Vila Normandia, an area which was excluded from RSS when it was ratified in 2005, but within the limits recognized in 1998.

**November 15**, Men hired by Quartiero prohibit indigenous people from fishing in RSS. They ride through RSS on motorcycles, armed, intimidating community members.

**November**, Six military soldiers from the military unit within RSS steal a cow from the indigenous community Pedra Branca. Despite a confession of the crime and witnesses, the case was closed by Ministerio Publico Federal alleging lack of proof.

**December**, Indigenous peoples of RSS communicated to the authorities that rice farmers in the area are inciting different indigenous groups to enter in conflict and have burned houses accusing CIR indigenous leaders Nelino Galé and Junior of such crimes. Nelino, regional coordinator for

CIR in that region, received multiple death threats, as had Walter, regional coordinator for Surumú.

## **2008**

**January**, Indigenous leaders from the four regions of RSS have received death threats by word of mouth. CIR Coordinators and lawyer Joenia Wapichana have received a number of threatening phone calls, none of which have been explicit, but which caused them to stay on guard and change their numbers.

**1 January**, Returning from a party, Juscelino Pereira Mota is followed by a motorcycle driven by a former FUNAI employee, José Raimundo, and Ronan, a member of the community of Contão, who proceed to beat him up.

**17 January**, People from Copaíba receive death threats from gunmen tied to Quartiero, who are again driving motorcycles, armed, through Baixo Cotingo in RSS.

**19 March**, Home-made bombs are placed near the location where CIR's General Assembly is taking place, in Barro, RSS. The suspects are gunmen tied to Quartiero.

**27 March**, The Federal Government announces it will initiate removal of the rice-growers. Quartiero leads opposition to the removal process in the press, in the courts, and on the ground. Under his influence, bridges are burned, roads blockaded, and bombs are thrown. One of his employees is even arrested for throwing a bomb at the federal police station in Pacaraima. Communities in RSS are effectively isolated.

**30 March 30**, Quartiero gathers people in the old police station in Barro, promising to resist removal. Two bridges leading to the community and to the rest of RSS are burned.

**31 March**, The community school in Barro is invaded, and half of the chairs are taken to one of Quartiero's ranches. The Elias Madeiras Bridge, leading to the community, is blockaded by Quartiero and other protestors, using cars, tractors, agricultural machinery, nails and sandbags. Protestors set off explosives; one of them explodes near tuxaua Moacildo, causing him to pass out. The person accused of throwing the bomb works for Quartiero.

**4 April**, Community members from Copaíba are again threatened and shot at by gunmen tied to Quartiero.

**14 April**, Men identified as Genival, Edílson and Alexandre, led by Quartiero, invade the Padre José de Anchieta School in Barro, sending students and teachers away and physically threatening school employees.

**5 May**, Ten indigenous people in Surumu are shot by gunmen with ties to Quartiero, who also throw explosives at them. The community is then named "10 Irmãos", in honor of those shot.