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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Indian Treaty Council (IITC),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[31 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The International Indian Treaty Council (IITC) continues to report its grave concern of violation of human rights and fundamental freedoms of Indigenous Peoples in Brazil

The forced relocation of Indigenous peoples, impacts of globalization, and the tragic perpetuation of colonial history are primary reasons why conflicts arise between states policies and Indigenous peoples' rights to preserve, restore and protect their communities. In his Working paper on Globalization (E/CN.4/Sub.2/AC.4/2003/14), Mr. El Hadji Guissé, Working Group on Indigenous Populations member under **"Review of Developments pertaining to the promotion and protection of human rights and fundamental freedoms of Indigenous Peoples"** delineates the chronology of oppression and domination by colonizing powers on Indigenous peoples to this day.

In Brazil, in theory, Indigenous peoples enjoy a wide array of institutional protections from human rights abuses. In reality, there is a shocking pattern of organized violence organized an estimated 400,000 Indigenous men, women and children, now less than one percent of the country's total population. Violations of human rights and fundamental freedoms against the 200 Indigenous Nations in Brazil is compounded by delays in the federal process for legalization of Indigenous territories, or "demarcation," fiercely opposed by landowners.

2003 saw the summary execution of more than 20 Indigenous leaders, in addition to numerous assassinations and attempts against the lives of supporters. Cases of violence against Indigenous Peoples, including killings, are rarely prosecuted, and prosecutions seldom end in convictions because of the undue influence of local authorities and powerful land-owning elites over trials affecting their interests.

Although the recent election of Luis Inacio Lula da Silva was welcomed by Indigenous Peoples, they are now critical of the President's year-long failure to ratify the demarcation of various Indigenous Territories and to promulgate the International Labor Organization's (ILO) Convention # 169, the Treaty on Indigenous and Tribal Peoples in independent countries ratified by the Brazilian National Congress in July of 2002.

The assassination of Indigenous Peoples in Brazil has been marked by almost complete impunity. Such is the case in the murder of Xavante elder Joaquim Maradezuro, of the Terra Indigena Sangradouro, in the state of Mato Grosso, in April 2003. On June 26, 2003 the International Indian Treaty Council requested UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, Mrs. Asma Jahanqir, to exercise her mandate in respect to the execution of Maradezuro.

At the moment of this writing, 80 Xavante men, women and children of the Maraiwatsede Indigenous Land are camped in the Suya Missu Farm in Alto da Boa Vista, state of Mato Grosso, located inside the borders of Xavante territory. The Xavante are under threat of being shot by 40 squatters, without protection from the Federal or Military Police.

Demarcation of three quarters of the Indigenous territories was targeted for completion in 1993, providing the fullest protection afforded by law to the Indigenous inhabitants under the 67th Act of the constitutional transitional dispositions, many of these areas still remain to be fully legally protected. 1993 was also the year in which Xucuru Chief Francisco Assis de

Araujo, was summarily executed by gunmen hired by big landowners in the impoverished Brazilian northeast. The Chief's murderers never went to trial.

The 15,000 members of the Macuxi Nation in the northwestern state of Roraima are also facing tragic violations of their human rights and fundamental freedoms. Rice growers have unleashed a series of intimidating actions that include the invasion of the National Indian Foundation (FUNAI) headquarters in the state's capital, Boa Vista; destruction of the Surumu mission and capture of three priests who were taken hostage; and the blockade of highways that lead to Boa Vista. The actions are a response to justice Minister Morcio Thomaz Bastos who, on December 23, 2003 announced that the federal government would ratify that Indigenous Land in January of 2004. Each time the federal government signals the adoption of measures regarding the ratification of that area, the same local groups mobilize against it.

Although the Raposa Serra do Sol land was demarcated in 1998, President Lula is yet to ratify the act. Meanwhile, violence against members of the Macuxi Peoples continues unchallenged. Aldo da Silva Matos disappeared on January 2, 2003 after going to the Retiro Farm, located inside the Raposa Serra do Sol area, to get a calf that belonged to him. His body was found a week later in a shallow grave 1,500 meters from the main house of the farm. The Macuxi community suspects that two employees of the farm committed the crime, which has not been investigated. The owner of the farm is a well-known enemy of Indigenous Peoples and has allegedly killed other Macuxi in the past. Seven other rice growers have already stated there will be more violence if attempts are made to remove them from Macuxi territory.

Guarani Kaiowa and Nhandeva of southern Brazil, members of the largest Indigenous nation in the country with 40,000 members, have been subjected to violence, forced labor and outright hunger. The Guarani are known internationally for the highest rates of suicide in the world, with most of the deaths by hanging or ingestion of rat poison occurring among the youth. Over-crowding and "cultural disorientation" on reservations are part of the official explanation of the suicides.

In southern and northeastern Brazil, occupied long before the Amazon, half of the total national Indigenous population is confined to less than one per cent of the Indigenous land. Academic reports have linked suicide to the alarming use of psychotropics (Prozac, Valium) distributed by the government and pharmaceutical companies to the Guarani, to make them tolerate the 12-hour workday, seven-day workweek on local farmlands.

The Guarani work literally as slaves—as defined by Brazil's Ministry of Work and Employment—on sugar cane plantations, coffee and cotton fields in the Brazilian south, and suffer from alcoholism, hypertension, heart disease and diabetes. Revolted by the government's indifference to their dramatic situation, several Guarani communities invaded 14 farms in Mato Grosso do Sul in December 2003 demanding their right to freedom, land, and food. On January 28, 2004 the Guarani remain firm about their intent to stay put on the occupied lands in spite of the landowner's threat of a "massacre." At this point the situation is considered critical.

The IITC recommends that the Special Rapporteur on Indigenous Issues send out urgent appeal to the Brazilian government, and investigate the deaths of Indigenous community members. The IITC calls on the Special Rapporteur to consider this situation in his work on

Indigenous peoples and Administration of Justice, continuing to develop activities to build upon the recent seminar in Madrid. The IITC further requests the Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, Mrs. Asma Jahanqir, to exercise her mandate in respect to the execution of Mr. Maradezuro.

In Ecuador, it has been recently reported by NGO's that the community of Sarayaku (Pastaza) has declared a state of emergency in an attempt to defend itself against further exploitation of oil in their homelands. Their decision stems from an agreement made by President Lucio Gutierrez and Mr. Carlos Arboleda, Minister of Energy and Mines on January 18, 2004 to "respect the contract with the Compania General de Combustibles (CGC), concessionary of Block 23", permitting seismic prospecting studies to determine whether there is oil in the zone.

The president of Sarayaku, Marion Santi, denounced the military presence with the creation of camps near Molino's pro-oil communities, and demanded the military's immediate withdrawal from the area. The company CGC is seeking support from the government and the military for the security of their workers. The deadly formula is being set for another confrontation in violation of the human rights and fundamental freedoms of the Sarayaku Peoples. The IITC calls on the Ecuadorian government to establish and make available mechanisms for conflict resolution, and on the Special Rapporteur on Indigenous Issues to monitor and intervene as a matter of urgency.

Finally, with regard to Botswana, the "Bushmen" Gana, Gwi and Bakgalagadi Peoples of the Central Kalahari, the oldest inhabitants of southern Africa, and are a homeless peoples. Their lands were systematically invaded by white colonists over the last few hundred years and today the Botswana government has continued to force them off their land. The harassment began in 1986, and the first forced removals were in 1997. Those that remained faced torture, drastic restrictions in their hunting rights, and routine harassment.

In early 2002, these violations of human rights and fundamental freedoms intensified, accompanied by the destruction of the Bushmen's water pump, the draining of their existing water supplies into the desert, and the banning of hunting and gathering. Today the situation continues to be dire and their survival in question.

The IITC calls on the Botswana government to adhere to and respect the human rights and land rights of Bushman Peoples, to allow the Gana, Gwi and Bakgalagadi Bushmen to remain on their traditional homelands and to recognize their land rights in accordance with international law, so that they can continue to live as they have chosen to since time immemorial.
