



**Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva**

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URGENT

Nº. 561/2015

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, in response to the letter addressed to the Permanent Representative of Brazil to the United Nations Office in Geneva by the Chief, a.i., of the Special Procedures Branch on the 9th of October – which relays a joint urgent appeal from the Special Rapporteur on the situation of human rights defenders the Special Rapporteur on the rights of indigenous peoples, and the Special Rapporteur on extrajudicial, summary or arbitrary executions – has the honor to provide the information contained in the annex to this note.

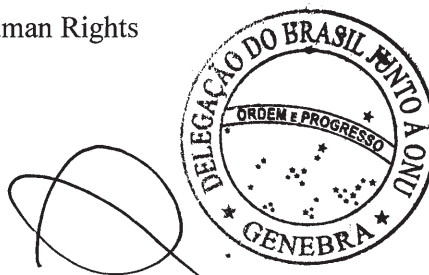
2. The Permanent Mission of Brazil kindly requests the Office of the High Commissioner for Human Rights to convey that annex to the attention of the aforementioned Special Procedures, without prejudice to the presentation of additional information on the points contained in the joint urgent appeal.

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, December 9th, 2015

To the Office of the High Commissioner for Human Rights

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Enclosure



FEDERATIVE REPUBLIC OF BRAZIL

IN RESPONSE TO THE JOINT URGENT APPEAL DATED OCTOBER 9TH 2015 FROM THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS, THE SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES AND THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

In the joint urgent appeal dated October 9th, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on extrajudicial, summary or arbitrary executions raised concerns about six main issues regarding the situation of individuals and communities of the Guarani-Kaiowá indigenous people in the State of Mato Grosso do

Sul, Brazil. In response to the aforementioned appeal, the Federative Republic of Brazil presents, below, updated information on the aforementioned issues, as well as on the measures taken so far by Brazilian institutions to address them.

I – Death of Mr. Semião Fernandes Vilhalva (Antônio João Municipality, 29/08/15)

The death of Mr. Semião Fernandes Vilhalva on August 29th, at Tekoha Nãnderu Marangatu in Antônio João Municipality, is currently the object of an investigation conducted by the Federal Police (PF). The Office of the Federal Prosecutor (Ministério Público Federal – MPF) is following the investigation closely and will take appropriate measures once police authorities conclude their work.

In order to ensure the safety of all persons, particularly of indigenous peoples, in the southern part of the State of Mato Grosso do Sul, President Dilma Rousseff instructed the Armed Forces to take over control of security operations in the Municipalities of Antônio João, Aral Moreira, Bela Vista and Ponta Porã, between 1 September and 15 November ("Garantia da Lei e da Ordem" – GLO). After their departure, the National Public Security Force (FNS) has taken over responsibility for the area and is currently stationed at Tekoha Nãnderu Marangatu. FNS is also operating in all municipalities located within 150 kilometres of the international borders of the State of Mato Grosso do Sul, which include Amambai, Coronel Sapucaia, Laguna Carapã and Paranhos.

II – Threats against Messrs. Tônico Benites, Eliseu Lopes, Genito Gomes (Dourados-Amambai, 02-03/09/15)

On the evening of 2 September, Messrs. Elizeu Lopes, Genito Gomes and Tônico Benites contacted the local representative of the National Foundation for Indigenous Peoples (FUNAI) in Amambai Municipality, to complain that their car had been followed by unidentified individuals when they were returning from a trip to Campo Grande, capital city of Mato Grosso do Sul. Nevertheless, they did not file a complaint before police authorities and did not request any investigation of the incident. They have also not resorted to the Programme for the Protection of Human Rights Defenders (PPDDH), in which all three are included (incidentally, Mr. Elizeu Lopes made a phone call to PPDDH earlier that same day, but to deal with another issue – allegedly defamatory claims broadcasted by a local radio station in Amambai).

III – Eviction Order concerning Tekoha Nãnderu Marangatu

On 21 October, the Federal Supreme Court (STF) accepted a petition filed by FUNAI and suspended an eviction order concerning the Tekoha Nãnderu Marangatu previously issued by the Federal Trial Judge of Ponta Porã (Suspensão de Liminar 926). On the

same date, STF accepted another petition by FUNAI and suspended a similar eviction order concerning Tekoha Guayviriy (Suspensão de Liminar 929).

IV – Attack against Tekoha Pyelito Kue and Tekoha Mbarakay, threats against Mr. Lide Solano Lopes (Iguatemi, 18/09/15)

The Federal Police is currently carrying out an investigation of the alleged attack at Tekoha Pyelito Kue and Tekoha Mbarakay. The Office of the Federal Prosecutor (MPF) is following the investigation closely and will take appropriate measures once police authorities conclude their work.

Although Mr. Lide Solano Lopes is included in the Programme for the Protection of Human Rights Defenders, he has not requested any assistance in connection with the aforementioned event. The Programme's team is available to offer support upon his request.

V – Attack against Tekoha Potrero Guasu, gunshot wounding of Mr. Elpídio Pires (Paranhos, 19/09/15)

The Federal Police is currently carrying out an investigation about the attack at Tekoha Potrero Guasu. The Federal Prosecution Service (MPF) is following the investigation closely and will take appropriate measures once police authorities conclude their work.

Immediately after the attack, a team from FUNAI accompanied Mr. Elpídio Pires to a hospital in Dourados Municipality. He received proper treatment and has already recovered from his wounds.

Mr. Elpídio Pires has so far not requested to be included in the Programme for the Protection of Human Rights Defenders. He can do so at any time.

VI – Charges of disobedience of legal orders against Ms. Inayê Lopes and Mr. Ismarth Martins

As members of an independent branch of the Brazilian State, trial judges have the prerogative to pursue individuals – whether indigenous or not – on charges of disobeying legal orders. On behalf of the Federal Government, FUNAI regularly appeals legal decisions against indigenous individuals or communities to higher levels of the Judiciary – and is often successful, as illustrated by the aforementioned suspension of the eviction orders against Tekoha Nãnderu Marangatu and Tekoha Guayviriy. The Federal Prosecution Service (MPF) is also very active in the promotion and protection of the rights of indigenous communities and individuals in the Brazilian legal system.

Both FUNAI and the Office of Federal Prosecutor are following closely the legal actions against Ms. Inayê Lopes and Mr. Ismarth Martins, ensuring that due process is followed and that their right to legal defense is fully exercised.

December 11th, 2015