



*Permanent Mission of Brazil to the United Nations Office and other International
Organizations in Geneva
Chemin Louis Dunant 15- 1202
Geneva-, Switzerland*

Geneva, 10 August, 2018

Dear Mr. Knox, Ms. Callamard, Mr. Voule and Mr. Forst,

I refer to the joint communication UA BRA 7/2018, dated 19 June 2018, regarding the alleged intimidation and death threats made against environmental human rights defenders, Mr. Ageu Lobo Pereira, Mr. Pedro Braga da Silva and Mr. Francisco Firmino da Silva (known as "Chico Caititu"), in relation to their activities in the Montanha and Mangabal communities. On behalf of the Brazilian Government, I attach the following comments.

Please accept the assurances of my highest consideration.

Joao Lucas Quental N. de Almeida
Minister-Counsellor

Permanent Mission of Brazil to the United Nations Office in Geneva

John H. Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders



FEDERATIVE REPUBLIC OF BRAZIL

RESPONSE TO COMMUNICATION

UA BRA 7/2018

According to the National Indian Foundation (FUNAI), the Montanha and Mangabal Agro-extractivism Settlement Project (Projeto de Assentamento Agroextrativista Montanha e Mangabal – PAE Montanha e Mangabal), situated around the medium course of the Tapajos River, at Itaituba municipality, is part of a cluster of indigenous territories considered to be priority conservation unities from the point of view of the environmental conservation and the sociobiodiversity protection of the centre-south Amazon region. The “Sawre Muybu”, the “Sawre Apompu – Bap’in” and the “Sawre Jayby” indigenous lands, which belong to the Munduruku community, is also part of this protected area.

In 1997, studies were undertaken in order to legalize the “Praia do Manguê” and the “Praia do Índio” indigenous lands, situated in the outskirts of the city of Itaituba. Both areas are part of “Gleba Arraia”, with approximately 30 hectares each, established in 1986 by the National Institute of Colonization and Agrarian Reform (INCRA). Munduruku do Medio Tapajos and Montanha Magabal communities share the use of diverse areas and are the possessors of archeological sites found at Itaituba II National Forest, where a forest concession project is expected to be developed.

The autonomous demarcation (self-demarcation of Sawre Muybu and Montanha and Mangabal) and territorial protection activities undertaken led to threats against indigenous peoples and river communities from timber traders and miners. An investigation process was initiated by the Public Prosecutor Office of Itaituba to monitor the situation of Munduruku indigenous community (Processo Investigatorio Criminal 1.23.008.000382/2015-36).

FUNAI has prioritized the legalization of the indigenous lands of Medio Tapajos. The presence of the Mundukuru indigenous community in the claimed lands was recorded by FUNAI in preliminary studies authorized in 2001 (Ordinance 84/PRES/FUNAI, of 31 January 2001). The “Tapajos River Mission Report”, developed with the goal of compiling basic information to be used in the subsequent works related to the demarcation of the indigenous lands, mentions Mundukuru indigenous people living in the Medio Tapajos region, particularly in the Boa Fé and Pimental areas. In order to further develop the studies on the Munduruku occupation nearby the villages of Pimental and São Luiz do

Tapajos, and in accordance with Presidential Decree 1.775 of 8 January 1996, an Identification and Delimitation Technical Working Group was established in 2007 (Ordinance 1.099/PRES/FUNAI, of 13 November 2007).

In 2012, in a meeting at FUNAI's headquarters in Brasilia, a Technical Working Group for complementary studies was established in agreement with the indigenous community. In October 2012, an ordinance changed the composition and the coordination of the Technical Working Group, and indicated which indigenous settlements were part of the indigenous lands under study (Ordinance 1.390/PRES/FUNAI, of 30 October 2012). The studies were complemented by ordinances 368, of 17 April 2013; 393, of 23 April 2013; and 449 of 6 May 2013. The outcome of the studies was the Identification and Delimitation Circumstantiated Report of the Sawre Muybu Indigenous Territory, approved by FUNAI's Presidency in 18 April 2016. During the appeal period, and in accordance with decree 1775/96, appeals were submitted by the Ministry of Environment (FUNAI/BSB 08620.085237.2015.510), the Ministry of Energy (FUNAI/BSB 08620.085233.2015.73), the National Association of Gold (FUNAI/BSB 08620.138849.2015.54), the Rio Vermelho Diamond Import and Export (FUNAI/BSB 08620.136082.2015-29), the Tapajos Consortium (FUNAI/BSB 08620.127451/2015-76), the Tapajos Gold Miners Association (FUNAI/BSB 08620.138845.2015-76), and the National Confederation of Industry (FUNAI/BSB 08620.049081.2015-45). The appeals are being examined by FUNAI's General Coordination for Identification and Delimitation and are expected to be concluded by the end of the second semester of 2018. After the examination, it will be dispatched to the Ministry of Justice, which will decide on the publication of a Declaratory Ordinance on the matter.

The preliminary report on the Sawre Apompu (Bap'in) indigenous land, complemented by the Ordinance 1.096 of 23 September 2014, was conveyed by the anthropologist-coordinator in October 2017 and is still to be examined by the General Coordination of Identification and Delimitation. The report on the Sawre Jaybu indigenous land is expected to be concluded in 2018 by the Technical Working Group.

In relation to the protection of the leaders of the Association of Residents of the Montanha Mangabal Communities – Mr. Ageu Lobo Pereira, Mr. Pedro Braga and Mr. Francisco Firmino Silva, known as “Chico Caititu”), the Ministry of Human Rights informed that the federal team of the Human Rights Defenders Protection Programme (PPDDH) is monitoring the situation. After receiving a request of the National Human Rights Council (CNDH) and the Public Prosecutor Office (MPF) for the protection of these individuals, the federal team undertook technical actions to monitor the cases. In 25 April 2018, an in-person assistance meeting took place in the Ministry of Human Rights, in Brasília.

Apart from the protective measures, such as periodic surveillance actions undertaken by Pará’s State Secretariat for Public Security and Social Defense (SEGUP/PA), measures to respond to the social vulnerability mentioned by the leaders are underway. The provision of economic resources for 90 days to the leaders included in the protection programme was determined, since they are living in a different region from their habitual residence and work, due to the deterioration of the land conflicts in March 2018, leading to difficulties in keeping subsistence farming.

Taking into account the comprehensive documentation annexed to the demand in favor of the inclusion of the activists in the PPDDH, the General Coordination of the programme, based on the Guiding Manual of Proceedings (resolution 399/2017) and the technical report prepared by the federal team, decided in favor of the inclusion of the cases involving Mr. Ageu Lobo and Mr. Francisco Firmino, which will be presented to the programme’s Deliberative Council for confirmation. The case of Mr. Pedro Braga is still under analysis, due to the need to collect further data on the particularities of his situation in order to verify the risks involved.
