



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

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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 with reference to Note Verbale OL BRA 2/2020, dated 6 February 2020, has the honor to send herewith attached the information requested from the Government of Brazil by the Special Rapporteur on the rights of indigenous peoples regarding the Extraordinary Appeal 1017365.

The Permanent Mission of Brazil to the UN avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest considerations.



Geneva, February 7, 2020.

Office of the High Commissioner for Human Rights

Geneva

## ANNEX

The Federal Supreme Court (STF, in Portuguese) database has no record of an Extraordinary Appeal numbered 1.01.365, as indicated in the letter from the special rapporteur on the rights of indigenous peoples. The correct reference would be "RE (for Extraordinary Appeal in Portuguese) 1017365".

RE 1017365 was filed in December 2016 and firstly assessed in January 2017. Subsequently, the Court designated [REDACTED] as the rapporteur.

In May 2017, [REDACTED] submitted the case file to the presidency of the STF to analyze its redistribution to [REDACTED]. In August 2017, the Court determined the redistribution.

In January 2019, the STF started assessing the "general repercussion" of the case and, in the following month, unanimously decided positively. Therefore, the future decision of the Court, in this case, will determine the question regarding the constitutional statute of the possession of lands traditionally occupied by indigenous peoples, under article 231 of the Brazilian Federal Constitution. The Court also decided to allow the participation of all stakeholders as "amici curiae." The publishing of the outcome took place in April 2019.

Since then, the Court has received petitions from interested parties and "amicus curiae" regarding the case.

The most recent developments related to the case were two electronic subpoenas made available on the 4th of the current month.

On the same day, a decision from the Justice-Rapporteur, [REDACTED] regarding petitions for admission to the process as "amici curiae," was released in the Electronic Justice Journal. He decided to admit applicants as "amici curiae," except when the specific statutes and the necessary powers of attorney were absent. It allows them to present information and written memorials in the file, as well as to deliver vocal support during the judgment of the merit of the case.

The Justice-Rapporteur also authorized adding updated powers of attorney requested by the [REDACTED], as well as the inclusion of the [REDACTED] in the process as an interested party.

One should bear in mind that the judiciary branch enjoys independence from other state powers, according to article 2 of the Federal Constitution. Thus, within the legal limits, the STF has full freedom of decision as to cases submitted to it.

Additional information will be transmitted as soon as received from the relevant bodies.

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