



**PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**
Ch. Camille Vidart, 15 – 1202 – Geneva / Switzerland

N. 325/2023

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights – Special Procedures Branch and, in response to note verbale AL BRA 2/2023, dated 9 May 2023, has the honor to transmit herewith the submission of the Brazilian Government.

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



Geneva, 10 July 2023

To: Office of the UN High Commissioner for Human Rights (OHCHR) –
Special Procedures Branch
E-mail: ohchr-registry@un.org

SUBMISSION OF THE GOVERNMENT OF BRAZIL

We refer to the Joint Communication (AL BRA 2/2023) signed by special rapporteurs on freedom of religion or belief (Nazila Ghanea), cultural rights (Alexandra Xanthaki), extrajudicial, summary or arbitrary executions (Morris Tidball-Binz), right to freedom of opinion and expression (Irene Khan), human rights defenders (Mary Lawlor), rights of indigenous peoples (José Francisco Cali Tzay), minority issues (Fernand de Varennes) and violence against women and girls, their causes and consequences (Reem Alsalem), as well as the Chairman- Rapporteur of the Working Group on Discrimination against Women and Girls (Dorothy Estrada-Tank), on alleged "systematic acts of violence, threats, harassment and discrimination against Guarani and Kaiowa indigenous peoples and religious or belief minorities, in Mato Grosso do Sul, particularly women spiritual leaders and human rights defenders," which, according to the missive, "appear to be related to the legitimate exercise of their rights to freedom of expression, freedom of religion or belief as well as their cultural rights."

In this context, we share the following information:

Please provide any additional information and/or comment(s) you may have about the above-mentioned allegations.

History of the Guarani-Kaiowa territory of Mato Grosso do Sul State (MS), emphasizing the importance that it is a traditional and sacred territory (tekoha) for the indigenous population.

Total population: 2,833,742 inhabitants

Indigenous Population: 80,459

Total indigenous area: 2.5% - 25 territories waiting for demarcation

Large land propriety 83% of the rural area

Ethnicities: Guarani, Kaiowá, Terena, Kadweu, Kinikinaw, Atikun, Ofaié and Guató

Indigenous incarceration in the State: 409 indigenous people in deprivation of liberty

The Guarani-Kaiowa territory has been the subject of several human rights violations for years, resulting of the sale of land titles to squatters, mostly

within indigenous territories, and the absence of an effective national policy of demarcation of indigenous territories. The Guarani-Kaiowa, currently and traditionally, occupy a space of about 150 kilometers on each side of the border of Brazil and Paraguay, maintaining their traditional customs, culture and language, as well as their religious traditions. The situation of violations of rights of indigenous peoples of Mato Grosso do Sul is not recent. It dates back to at least 20 years, since numerous recognized indigenous territories had their land titles sold by the government of the State of Mato Grosso do Sul itself. The practice of illegally taking possession belonging to the state or to third parties, known as land grabbing, is also increasing. There are about 25 indigenous territories awaiting demarcation in the state of Mato Grosso do Sul, which has the second largest indigenous population in the country.

The COVID-19 virus pandemic aggravated the situation of the indigenous population in these territories, which not only did not have full access to sanitary measures, but also were more susceptible to the entry of evangelical churches in the territories, responsible for the violation of prayer houses, as well as of a series of tortures to the nhandesys (praying women).

The Yvy Katu Indigenous Land is mostly inhabited by the Guarani Nhandeva and had its process of resumption in 2003. It covers an area of 9,454 hectares, where it is the Indigenous Reserve (RI) of Porto Lindo, located between the municipalities of Japorã and Iguatemi, in the extreme south of Mato Grosso do Sul, and recognized by the Indigenous Protection Service (SPI) in 1928.

Over the years, the Tekohas (territories) have expanded, as a result of the annexation of 14 farms to the indigenous land. The demarcation process of this territory had been paralyzed for 15 years, and now awaits approval by the Presidency of the Republic. Illegal land leases and religious racism practices have often caused severe damages to the Guarani-Kaiowa population as a whole, with female leaders being the main targets, especially because of the spiritual role they play to the community. It was in the struggle for Yvy Katu territory that Estela Vera was a victim of femicide. According to the investigation, yet to be completed, it seems [REDACTED] was the probable perpetrator of the crime.

Please provide detailed information about the circumstances of the murder on 15 December 2022, of nhandesy and human rights defender Estela Vera in Japorã, state of Mato Grosso do Sul; and about the investigation conducted by relevant authorities to establish facts and responsibilities. Has anyone been brought to justice for this murder?

What measures have been taken to protect Mrs. Vera's family, her close entourage and other members of her community?

Regarding the specific protection measures, the federal government has a Program for the Protection of Human Rights Defenders - PPDDH, under the management of the current Ministry of Human Rights and Citizenship.

According to information raised with the Public Defender Office of Mato Grosso do Sul (NUPPIR), a Preliminary Investigation Procedure (PAP) was established to investigate the facts related to the burning of traditional Guarani and Kaiowa prayer houses in Mato Grosso do Sul.

The Secretariat of Justice and Public Security of the State of Mato Grosso do Sul (SEJUSP-MS) reported that, in relation to the murder of Estela Vera, the Police Inquiry No. 01/2023 was established. It led to the preventive arrest of [REDACTED], after which Estela's family members reported that no new threats had occurred, according to the report of Police Chief [REDACTED].

As for the other people mentioned in the letter, two reports were found, regarding the victims Nilza Roa and Martina Almeida. With regard to Nilza Roa, the Police Report No. 326/2020-DP-Amambai describes the crimes of threat and violent acts. As to Martina Almeida, there is a Police Report No. 176/2021-DP-Laguna Carapã, concerning an Arrest Warrant in Flagrant about crimes of arson and threat. Therefore, [REDACTED] and [REDACTED] were arrested and their Police Inquiry, No. 26/2021, was concluded on 10/31/2021. In addition, the Attorney General's Office of the State of Mato Grosso do Sul (PGJ-MPMS) sent an extensive report based on the questions presented. There are six recent victims linked to the facts reported in the letter of allegation: Lucia Assis, Nilza Roa, Martina Almeida, Teresinha Aquino, Joana Benites and Estela Vera.

About the latter, Mrs. Estela Vera, the known facts of her murder and the judicial measures taken are summarily described. It is reported that there is one indicted for the crime of femicide, [REDACTED], [REDACTED], who remains imprisoned awaiting trial. As requested by the letter of allegation, the PGJ-MPMS has forwarded copies of the judicial proceedings relating to the case, listed from 01 to 12 in the sequence in which they are quoted in letter 646/2023 (please check the link and list of annexes below).

In addition, the PGJ-MS sent a letter (663/2023) containing information about the victim Joana Benites, along with the Police Reports registered by

the Civil Police of the State of Mato Grosso do Sul. The attached document includes the three Police Reports related to the case.

The above-mentioned documents can be accessed through the following link:



Please provide information on the measures taken to recognize and promote the right of indigenous peoples, in particular the Guarani and Kaiowa peoples, in Mato Grosso do Sul, to demonstrate and practice their spirituality, including by developing, teaching and preserving their traditions, customs and ceremonies, and protect their freedom of thought, conscience and religion, according to article 18 of ICCPR, their cultural rights, according to article 15 of ICESCR, their rights as members of religious or belief minorities under article 27 of ICCPR and their rights under Article 12 of the Declaration on the Rights of Indigenous Peoples.

Regarding government actions: a Ministry of Indigenous Peoples (MPI) was created with the main objective of safeguarding indigenous people's rights. This comprises the demarcation of indigenous lands (which had been paralyzed since 2015), as guaranteed in Articles 231 and 232 of the Federal Constitution of 1988, which state that indigenous peoples are entitled to the enjoyment of their territories, as well as to freely exercise their customs and traditions. In addition, the National Indigenous Peoples Foundation (FUNAI), the official indigenous body of the Brazilian State, coordinates and implements the indigenous policies of the federal government. Its institutional mission is to protect and promote the rights of indigenous peoples in Brazil.

Besides, a Ministry of Racial Equality (MIR) was created to plan, coordinate and execute public policies to promote racial equality and combat racism in a nation-wide manner.

Finally, a Ministry of Women (MM) was also created. Its National Secretariat to Combat Violence against Women is developing a series of actions to prevent and combat gender violence against indigenous women. Similarly, because of ADPF 709, an Interministerial Working Group (ITG) within the Ministry of Racial Equality works to meet targets 3.10 and 16 of the United Nations 2030 Agenda for Sustainable Development. It aims to promote actions of expelling miners from Indigenous Lands and to comply with measures to combat the violation of indigenous rights. Please provide information on concrete measures adopted to protect in particular the

person of indigenous leaders, spiritual guides and any other person who carries out activities for the promotion of indigenous peoples' human rights and, in particular, the rights of indigenous women and their rights to freedom of expression, to take part in cultural life, to freedom of religion or belief, and to practice their own religion or belief with other members of their community.

There is an ombudsman channel at the Ministry of Indigenous Peoples responsible for the reception and monitoring of reports of violations against the indigenous population: Integrated Ombudsman Platform and Access to Information - Fala.BR. Contacts: Telephone: (61) 2022-1278 / 2020-1480 E-mail: mpi.ouv@povosindigenas.gov.br

The Ministry of Human Rights and Citizenship and the Ministry of Women also have their own channels to report violent acts and the violation of rights: Dial 100 - Human Rights Violations Reports Channel (Ministry of Human Rights and Citizenship) Call 180 - Women's Service Center (Ministry of Women) Measures have also been taken to build specialization in the care of indigenous women within the Network to Combat Violence against Women of the Ministry of Women, as well as the review of the protocols of care to specifically address violence against indigenous women.

It is worth mentioning the development of actions that will be carried out under the Programa Mulher: Viver sem Violência [Program Woman: Living without Violence], established by Decree 11.431/2023, of March 08th, 2023. This Program sets a series of actions to fight forms of violence against women, ensuring access to comprehensive and humanized care that will be carried out with attention to the specificities of race, ethnicity, gender and class.

There is also coordination between the MPI and MMulheres for the implementation of the Mulheres Guardiãs [Guardian Women] project, which aims to ensure the training of indigenous female leaders in all 27 states to be able to exchange views with women in the territories about their needs.

It is currently in operation an Inter-ministerial Working Group, coordinated by the Ministry of Women, to build an action plan to combat political violence against women, with qualified listening and attention to the specificities of indigenous women.

Please explain what measures have been taken to ensure that all human rights defenders in Brazil, in particular those working towards the rights of

indigenous communities, can carry out their peaceful and legitimate activities without fear or restriction.

The National Secretariat for Combating Violence Against Women of the Ministry of Women is in dialogue with the Program for Protection of Human Rights Defenders - PPDDH, established by Decree 9.937 on July 24th, 2019. The idea is to provide protection to defenders of human rights, communicators and environmentalists who are at situation of risk, vulnerability or suffering threats due to their actions in defense of these rights, with a view to strengthening the perspective of gender, race and ethnicity in the implementation of the Program. In addition, we are in full preparation of the National Pact for Prevention of Femicides, a strategy for managing the intersectoral and interfederative policy to prevent violence against women, which will contain specific actions aimed at indigenous women.

Other measures were taken, such as strengthening the National Foundation of Indigenous Peoples (FUNAI) and the MPI for the guarantee of indigenous land demarcation - and 6 (six) lands were already approved on April 28th, 2023- , as well as the actions of removal of illegal mining in indigenous territories.

Please provide the details and, where available, the results of any investigations carried out in relation to the killings, violence, harassment and threats against the above-mentioned women, as well as on cases of destruction of indigenous prayer houses and cultural and religious objects, measures to punish those responsible, to prevent further attacks and protect indigenous prayer houses against such acts.

Concerning the death of indigenous leaders, the data available are those systematized by CIMI (Indigenous Missionary Center) in the report Violence against Indigenous Peoples in Brasil³, indicating that, in 2021, 176 indigenous leaders were murdered, setting up one of the most violent periods against indigenous peoples in Brazil.

Regarding the measures taken by the government of the state of Mato Grosso do Sul and the previous federal administration (2018-2022): the Ministry of Justice of the previous federal administration and the municipal government of the city of Dourados/MS were questioned about the use of the resources within the scope of the Covenant "Platform + Brasil" (request n° 918111/2021). That Covenant was set up to prevent and fight crime. Despite the destination of R\$ 297,909.34 (two hundred ninety-seven thousand, nine hundred and nine reais and thirty-four cents) to benefit 250 women victims of violence, there is no record of care service provided to

indigenous women victims of violence. The National Secretariat for Combating Violence against Women is working at the federal level to meet these demands, with follow-up in the territory, in a visit held on June 28th, 29th and 30th, 2023. Also, a delegation of Guarani-Kaiowa women visited Brasilia on April 26th and on June 17th the Minister of Women, Cida Gonçalves, was in Mato Grosso do Sul for a hearing.

Please explain whether any such investigation was conducted in compliance with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

If no investigation has been conducted, is yet to take place, or has been inconclusive, please explain why. As mentioned in the answer to question (2), according to information raised with the Public Defender Office of Mato Grosso do Sul (NUPPIR), a Preliminary Investigation Procedure (PAP) was established to investigate the facts related to the burning of traditional Guarani and Kaiowa prayer houses in Mato Grosso do Sul. The federal government requested the NUPPIR to be informed on the progress and follow-up of the investigation, such as the procedures of PAP, the cases being investigated and the enforcement of penalties, as well as measures that have been adopted in the territory to prevent the continuation of a series of violations of rights.

Please provide information on concrete legislation, policies, programs and other measures adopted by Your Excellency's Government to eliminate gender-based violence and discrimination against indigenous women and girls, and whether these measures integrate a gender perspective.

Mulher: Viver sem Violência Program, instituted by Decree number 11.431 of March 8th, 2023, which establishes actions with the aim of integrating and expanding existing public services for women in situations of violence, through the articulation of specialized services in the field of health, public safety, justice, the social assistance network and the promotion of financial autonomy. In all cases, the specificities of indigenous women will be addressed. Construction of specific actions under the Multiannual Plan of the Brazilian federal government (PPA) for indigenous women and girls, to review the attention protocols adopted by the violence combat services, as well as actions to strengthen female indigenous leaders for the prevention of violence.

Training actions in partnership with the Ministry of Education and the Ministry of Health for qualification of professionals regarding indigenous specificities. Training for "team 180", (Dial 180) carried out in the context of the actions of May 18 (day of combating and coping with sexual

exploitation of children and adolescents) with reformulation of information about the network of services.

Implementation and participation in the Workshop for the Construction of the Protocol to Combat Trafficking in Children and Adolescents, with inclusion of the approach in the cases of indigenous children.

Reformulation of the Dial 180 questionnaire to include an ethnic/racial cut-off to allow the identification of the 305 indigenous ethnic groups in the notifications of cases of violence against indigenous girls and women.

Creation of the Brazilian Women's House Service for adequate and specialized care of indigenous victims of violence.

Mulheres Guardiãs Program (under construction) for the training of indigenous female leaders from the 6 Brazilian biomes (Amazon, Cerrado, Caatinga, Pampa and Pantanal and Atlantic Forest), in partnership with the Ministry of Indigenous Peoples.

Of paramount importance is the consolidation of the Plan of Actions for the Prevention of Femicides, which is being discussed at ministerial level and shall address the specificities of indigenous women, aiming at reducing indigenous femicide by political and intimate motivations.

In the event that the alleged perpetrators are identified, please provide full details of any prosecutions which have been undertaken and information on any penal, disciplinary or administrative sanctions imposed on the alleged perpetrators.

There is an ongoing investigation and sentence enforcement procedure in cases where it was judged in "res judicata". The NUPIR of the Public Defender Office of Mato Grosso do Sul forwarded the cases on which they are working. In June, 2023, the Ministry of Women has listened to the indigenous women of Mato Grosso do Sul and promoted hearings in the territory to make a survey on the ongoing processes, in order to work together in the resolution and referral of the cases which require federal efforts.

Furthermore, we would like to add that the federal government developed, along with the Secretariat of Social Assistance, Human Rights and Policies for the Women of the State of Acre, a project called Workshop on the Rights of Indigenous Women, with the participation of several ethnicities, for the recognition and discussion of the indigenous women's rights. It focuses on violence against women and emphasizes the exchange of

experiences as a way to contribute to provide visibility and to strengthen the participation of indigenous women in the productive, cultural, spiritual and political life of the villages and the indigenous peoples.

The Project reaches out to indigenous women representing Indigenous Villages registered in the State of Acre, coming from the municipalities of Cruzeiro do Sul, Jordão, Tarauacá, Feijó, Assis Brasil, Manuel Urbano, Santa Rosa do Purus, Sena Madureira, and also Boca do Acre (AM) and Vila Extrema (RO). They represent fifteen registered ethnicities and three not yet registered: Apurinã, Jamamadi, Manchineri, Huni-Kut, Jaminawa, Yawanawa, Shanenawa, Ashanyinka, Kaxarari, Shawandawa, Nukini, Nawa, Madja (Kulina), Apolima Arara, Jaminawa Arara, Kanamari, Pynawa and Sapanawa (isolated village). This proposal is a way of signaling the need to continue the actions developed in the search for social pacification and the reduction of cases related to domestic violence against indigenous women. Moreover, equally, to strengthen the safety of women who have urgent protective measures, in addition to providing quality care and accommodation for these women through the acquisition of a vehicle for the Maria da Penha patrol.

In addition, the objective is to elaborate, based on the lectures and discussions held at the meeting, a document containing a diagnosis based on the report of indigenous women about their current situation in relation to the topics discussed, and a proposal for actions to face the problems reported.

ADDITIONAL ELEMENTS FROM THE MINISTRY OF INDIGENOUS PEOPLES

In response to allegations contained in the joint letter signed by special rapporteurs of the United Nations Human Rights Council, the Ministry of Indigenous Peoples (MPI) presents the following information.

The allegations include practice of "systematic acts of violence, threats, harassment and discrimination against the Guarani and Kaiowá indigenous peoples and religious minorities in the state of Mato Grosso do Sul, particularly against women spiritual leaders and human rights defenders," which, according to the missive, "appear to be related to the legitimate exercise of the rights to freedom of expression, religion or belief and cultural rights". The document also points out the restriction of access to basic human rights to the Guarani and Kaiowá, including the observation of a worsening scenario in relation to the violence suffered by those peoples since the year 2020, directed "against the traditional women spiritual

leaders of such peoples in the form of threats, hate speech, acts of public humiliation, physical violence and stigmatization." The letter records cases of burning of religious spaces of the Guarani and Kaiowá peoples; links the "economic interests in the exploitation of collective territories for private use and in the leasing of land to third parties" with the escalation of attacks in that period, and then requests information regarding eight items.

Regarding the points mentioned, for better contextualization and appreciation of the information provided below, it should be considered that the Ministry of Indigenous Peoples was created in 2023, by Decree No. 11,355/2023, and has as its competence, in the form of art. 1, of Annex 1 of that legal diploma, the following subjects: I - indigenist policy; II - recognition, guarantee and promotion of the rights of indigenous peoples; III - recognition, demarcation, defense, exclusive usufruct and management of indigenous lands and territories; IV - well living of indigenous peoples; V - protection of isolated and recently contacted indigenous peoples; and VI - international agreements and treaties, in particular Convention No. 169 of the International Labor Organization, when related to indigenous peoples. Furthermore, in the form of Article 2, IV, of Decree No. 11,355/2023, this ministerial structure includes the National Foundation of Indigenous Peoples (FUNAI) as a linked entity.

Having said that, and since it is a serious situation of violation of human rights, with an injunction granted by the Inter-American Court of Human Rights (Guyraroká), the case of the Guarani and Kaiowá People, in the State of Mato Grosso do Sul, was already on the MPI's agenda of diagnosis, monitoring and study of potential forms of action. The conflicts in the region have as background the land issue, and direct action or omission of state agents. Particularly in the region of Dourados and Southern Cone of Mato Grosso do Sul, a historical and violent land conflict has been registered, with threats and aggressions against the physical integrity and the right to life of indigenous peoples being common, often perpetrated by state police forces, and some state agents have been denounced for acting on behalf of private interests, including in coordination with private security groups. There is also a need for these police forces to be better prepared to deal with indigenous communities.

On March 7, 2023, following an article published on March 3, 2023 on the website of the Indigenous Missionary Council (CIMI) entitled "Kaiowá and Guarani Indians retake part of the Laranjeira Nhanderu territory and suffer eviction threats", this Ministry instituted administrative proceedings to monitor the case of the Kaiowá and Guarani Indigenous People and sent an official letter on the matter to the Ministry of Justice and Public Safety. In the document, the MPI expressed its understanding of the illegality of the

evictions, as well as its concern over the reported situation of violence. It recalled the so-called "CPI of Genocide" installed in the Legislative Assembly of Mato Grosso do Sul in 2015, which had documents proving that the police acted in private cooperation to attack indigenous communities. Finally, in order to safeguard the basic rights and principles of the indigenous people involved and avoid future damage, the MPI requested the support of the Ministry of Justice to reinforce security on the ground, principally through the Federal Police.

On the same day, the Official Letter SEI No. 342/2023/MPI was sent to the State Secretary for Justice and Public Safety of Mato Grosso do Sul, with similar content. This communication, besides recalling national legislation for the good preservation of fundamental rights, requested support from the Secretary of Security, to monitor the situation, acting within the legal parameters allowed.

On March 8, 2023, this Ministry sent Official Letter SEI No. 367/2023/MPI, urgently requesting that the Federal Police acts to protect the Guarani Kaiowá Laranjeira Nhanderu Indigenous Community in the municipality of Rio Brillhante - MS. The communication recalled the history of land conflicts in the region and their effects on the indigenous populations. Thus, it reiterated "in view of the new political context in which we live in this country, with the creation of the unprecedented Ministry of Indigenous Peoples and the resumption of protection actions in the scope of the National Foundation of Indigenous Peoples (FUNAI), there is no longer room for state inertia". The document, emphasizing the grave situation reported, requested "the Federal Police to reinforce security in the area, monitoring the situation in loco of the Guarani Kaiowá indigenous community, giving due urgency to the situation, as well as escorting the Funai staff that are in the area, in order to avoid future violations and to protect the lives of those involved, principally the indigenous people who occupy the most fragile link".

This document also aims to meet the demand of the National Foundation of Indigenous Peoples (FUNAI), so that the MPI, in the exercise of its powers, promoted articulation in order to request that the National Force provide support to FUNAI's actions in the region. On this occasion, the situation registered by the Dourados Regional Coordination (CR-DOU) was reported, regarding the conflict in the Laranjeira Nhanderu Indigenous Land (Rio Brillhante/MS), which is in the process of land regularization by FUNAI. It was also noted that the region is marked by a climate of insecurity and threats to the integrity of the indigenous communities, especially considering that in 2022, [REDACTED] was assassinated and

dozens of people were wounded in the Guapoy resettlement in Amambai/MS.

It should also be noted that on March 9, 2023, the MPI received a letter from the Articulation of Indigenous Peoples (APIB) requesting an investigation into the actions of the Mato Grosso do Sul Military Police in Dourados against the Guarani Kaiowá, especially in light of the actions of the Military Police in the Tekohá Kurupi/São Lucas; the Guapoy community and the Laranjeira Nhanderu community. In response to this demand, the Attorney General of Mato Grosso do Sul has been asked to take action, at the federal level, regarding the alleged illegal actions of the Military Police of the state of Mato Grosso do Sul. In the communication "the MPI, based on the arguments presented above, requests that the federal jurisdiction of the case be determined within the Judiciary, in view of the fact that this is a land conflict involving indigenous rights, as well as a serious violation of the human rights of indigenous communities, that a civil and criminal investigation be opened to investigate the actions of the Military Police of Mato Grosso do Sul, in order to hold their agents and hierarchical superiors civilly, criminally and administratively responsible, who have been promoting the eviction of indigenous communities, without observing the law and without a court order".

Given the history of conflicts, the seriousness of the successive cases reported, and mindful of her powers, conferred by Article 1, clauses "I", "II" and "III", all of Annex 1, of Decree No. 11,355/2023, the MPI organized an on-site visit to the Guarani and Kaiowá community of Laranjeira Nhanderu. By mobilizing a large inter-ministerial committee to the territory, the MPI aimed to safeguard the basic rights of the Indigenous Peoples of the region, to give visibility, and to create opportunities for institutional and federal actions and articulations. The visit allowed for an in loco evaluation of the situation of the retaking of the Laranjeira Nhanderu / Rio Brilhante territories, as well as a meeting with the State Governor, [REDACTED] (PSDB), for discussion and alignment of negotiations regarding the Guarani and Kaiowá people. Among the bodies participating in the visit were: the Ministry of Planning and Budget; Ministry of Women; Ministry of Human Rights; Ministry of Integration and Regional Development; Ministry of Development and Social Assistance, Family and Fight Against Hunger; General Secretariat of the Presidency of the Republic; Ministry of Justice and Public Safety; National Foundation of Indigenous Peoples; Special Secretary of Indigenous Health; National Institute of Colonization and Agrarian Reform – INCRA; Public Defender of the Union – DPU; and the Federal Public Ministry. With a view to expanding the actions aimed at protecting the rights of the Guarani

and Kaiowá indigenous peoples, the invitation was also extended to the Federal Deputies and the Mayor of Dourados.

The aforementioned committee traveled to the state of Mato Grosso do Sul on March 18 of this year. After visiting the Laranjeira Nhanduru territory, an extended meeting was held between the state and federal authorities present, which resulted in a commitment to reopen dialogue, including with non-indigenous occupants, with the objective of constructing solutions to overcome legal insecurity and violence in the areas and to speed up the demarcation of the indigenous lands.

Following up on the monitoring of the actions, on March 24, 2023, the Regional Superintendence of the Federal Police in Mato Grosso do Sul responded to the letter sent by the MPI on March 8, 2023. The response reiterates that "the Federal Police permanently monitors indigenous issues related to the ethnic groups living in the territory of Mato Grosso do Sul. Thus, we inform that the facts described in the letter from this Ministry are already being monitored by the Federal Police and are being investigated by the Federal Police Station in Dourados - DPF/DRS/MS, in an inquiry that is currently being investigated and is being duly accompanied by the local Federal Public Prosecutor's Office". Finally, it reports that "as a result of a request made by the Federal Police, Minister of Justice and Public Security Ordinance 318/2023 (SEI no. 27750161) was published, authorizing the use of the National Public Security Force (FNSP) to support the Federal Police in the indigenous villages in the southern cone of the state of Mato Grosso do Sul and to conduct operations in the dry border region (Brazil-Paraguay) of that state, on an episodic and planned basis, for ninety days".

The MPI understands that the situations reported are not isolated cases. In this sense, in addition to the measures that involve activating the authorities, the MPI prepared a draft of the explanatory memorandum, a merit opinion, and the normative text of a presidential decree project that provides for the constitution of an Interministerial and Interinstitutional Coordination Committee, Planning and Monitoring of Actions aimed at the land title regularization of indigenous lands and the Promotion of Public Policies in favor of the Guarani and Kaiowá Indigenous People of the State of Mato Grosso do Sul, which is currently in the conclusion phase of administrative procedures to be forwarded to the Civil House of the Presidency of the Republic. Aiming to ensure the broad participation and influence of indigenous peoples in the construction process of these normative instruments, on April 18, 2023, the MPI held a meeting with leaders of the Aty Guasu locality to collect subsidies for the Ministry's

actions focusing on violations of the rights of the Guarani and Kaiowa people.

In parallel to this, the MPI became aware of the retaking of the Tekoha Yvu Vera site carried out by the Guarani and Kaiowá people in an area close to the Dourados Indigenous Reserve (RID) in the municipality of Dourados/MS on April 7, 2023. By virtue of the decision handed down by the Judge of the 2nd Federal Court of Dourados, 2nd Judicial Sub-Section of the State of Mato Grosso do Sul, in case no. 5000845-55.2023.4.03.6002 which, ex officio, in opposition to the opinion issued by the Federal Public Prosecutor's Office in the records of the request for provisional release filed by the Public Defender's Office of the Union, the preventive detention of nine Indians was decreed and the release of only one of the detained Indians was granted at a custody hearing.

With a view to ensuring the recognition, guarantee and promotion of the rights of indigenous peoples, in Article 1, clause II, of Annex 1 of Decree 11,355/2023, the MPI followed the case, especially the habeas corpus petition filed by the APIB, the Public Defender's Office and other actors. In the context of the case, the Minister of State for Indigenous Peoples also sent a letter to the Rapporteur of the case, the Honorable Federal Judge [REDACTED], President of the 11th Panel of the Federal Regional Court of the 3rd Region, which was formalized by Letter SEI No. 793/2023/MPI sent to that institution on April 24, 2023.

In the communication, in addition to the argumentation of facts and rights in favor of indigenous peoples - especially on the issue of territorial rights - it recalls "the content of Article 12, clause I of Decree 11.355/2023, which foresees as attributions of its Department of Mediation and Conciliation of Indigenous Land Conflicts [of the MPI] the promotion of management with the Judiciary, the Public Ministries, the national Council of Justice, the Public Defender's Offices and the police forces, among other actors related to collective land conflicts involving indigenous peoples, for their resolution in a peaceful manner and their use of force". Thus, it ends in the following terms "It is with this conciliatory intent that the Ministry of Indigenous Peoples sends the present letter, at the same time concerned with the recent decision and firm in its purpose to participate in the construction of peaceful solutions, in order to guarantee the rights of indigenous peoples and avoid the use of force in the processes of retaking. It should be added that this Ministry, to which the National Foundation for Indigenous Peoples is linked, is committed to following up on paralyzed demarcation procedures, guaranteeing the territorial rights of indigenous peoples throughout the country.

In the procedures mentioned above, the MPI continues to monitor and demand measures in relation to the investigations involving the cases of police violence reported above, in addition to adopting preventive measures aimed at resolving the land issue, as proposed by the Interministerial and Interinstitutional Committee in the process of being constituted. It is worth noting that the absence of land title regularization in this region is the main catalyst for all the violence suffered by the Guarani and Kaiowá in recent decades, and the federal administrative demarcation process has encountered obstacles to its conclusion. Considering the recent creation of this Ministry, the institution of the aforementioned Committee has as its objective the detailed analysis of the demarcation processes concerning the Guarani and Kaiowá in Mato Grosso do Sul, which are currently underway at FUNAI, with the aim of facilitating their adequate progress and conclusion, ensuring the territorial rights of the indigenous peoples, as well as the other fundamental rights owed by the Brazilian State to this population.