



FEDERATIVE REPUBLIC OF BRAZIL

**UNITED NATIONS OFFICE OF THE
UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS (EACDH)
LETTER OF ALLEGATIONS (AL BRA
6/2025)
STATE REPORT**

February 2026

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I- INTRODUCTION

This is a joint communication (Letter of Allegations – AL BRA 6/2025), dated December 17, 2025, forwarded by the Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in its capacity as secretariat for the Special Procedures of the United Nations Human Rights Council. The communication is signed by the mandate holders of the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the rights of indigenous peoples.

The communication expresses concern about alleged serious human rights violations related to the murder of indigenous leader Vicente Fernandes Kaiowá on November 16, 2025, as well as repeated armed attacks against members of the Guarani-Kaiowá indigenous people, specifically from the Pyelito Kue (tekoha) community, located in the Iguatemipeguá I Indigenous Territory, in the municipality of Iguatemi, state of Mato Grosso do Sul.

The Letter of Allegations reports that the events took place in a context of persistent land conflicts, associated with the failure to complete the demarcation process for the Iguatemipeguá I Indigenous Land, whose administrative boundaries were established in 2013, without the demarcation and titling having been carried out. According to the mandate holders, the situation exposes the indigenous community and its leaders to a high risk of further violations of life and personal integrity, highlighting the Brazilian State's international obligations regarding the protection of indigenous human rights defenders and the guarantee of the territorial rights of indigenous peoples.

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) has requested information from the Brazilian State on the case, specifically on:

1. Any investigation that has been carried out into the murder of Vicente Fernandes and the violent attacks against the Guarani-Kaiowá of the tekohá Pvelito Kue, which allegedly took place since the beginning of November 2025, together with its results. If no investigation has been carried out, explain how this is compatible with Brazil's obligations under international human rights law.
2. Updated information on the status of any ongoing efforts to demarcate the Iguatemipeguá I Indigenous Land and

other traditional Guarani-Kaiowá lands in Mato Grosso do Sul, as well as on the measures taken to accelerate this process in light of the persistent violent attacks and human rights violations suffered by the Guarani-Kaiowá indigenous peoples in the state.

Considering the foregoing, the Brazilian State respectfully provides the requested information.

II- INFORMATION FROM THE STATE

II.I. Information about the murder of Vicente Fernandes

According to information from the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (Annex I), indigenous leader Vicente Fernandes Kaiowá (Vicente Fernandes Vilhalva, 36), murdered on November 16, 2025, was not among the defenders monitored by the Program. Nevertheless, the Program's Hotline recorded a series of previous alerts and risk monitoring in the territory of Pyelito Kue, with communications and coordination with the competent authorities, in view of the worsening local context.

On September 29, 2025, the Program Hotline received a call from Pyelito leaders regarding recurring operations by the Mato Grosso do Sul Military Police (PM) in the territory, mentioning photographic records and community discomfort, especially due to the delay in responding to inquiries about the operation. The Program team contacted the PM command, which responded that the patrols were ordered by the Federal Public Prosecutor's Office, and forwarded the information to the FUNAI Regional Coordination in Ponta Porã and the Federal Public Prosecutor's Office, considering the escalation and the need for context analysis. Subsequently, on October 18, 2025, leaders reported a nighttime drone flight (in the Cambará Farm region), reinforcing strategic actions with FUNAI (CR Ponta Porã), the Ministry of Indigenous Peoples, and the National Public Security Force.

On November 9, 2025, leaders reported "strange movements" in the vicinity of the territory, with reports of a party held by non-indigenous people, and the fact was communicated to the National Force with a request for patrols. On 13

In November 2025, leaders once again raised concerns about the closure of the access bridge to the territory, with a maintenance period of fifteen days, which was identified as a possible risk factor for the continuity of permanent patrols. There were also reports of suspicious vehicles circulating and a lack of internet access, despite there being no outstanding payments, as well as difficulties for the operator in resolving the problem due to the closure. In response, the National Force reported that there would be no suspension of patrols, only logistical adjustments to travel, and the command reaffirmed the maintenance of a 24/48 garrison in the territory, regardless of the bridge. On November 14, leaders reported provocations by non-indigenous people and requested that the Duty Officer remain alert, for fear of an "attack."

As part of the coordination efforts documented by the Program, Official Letter No. 1562/2025 (08/18/2025) was sent to the MPF, requesting an investigation and measures regarding the spraying of pesticides in the vicinity of indigenous communities, especially in Pyelito Kue (Iguatemi/MS). Official Letter No. 1088/2025 was also sent to the Director of the Department of Mediation and Conciliation of Indigenous Conflicts of the Ministry of Indigenous Peoples, requesting support for the expansion of the National Force in Mato Grosso do Sul, in view of the intensification of land conflicts.

In the early hours of November 16, 2025, at 4:27 a.m., the Duty Officer was called by community leaders, who reported the start of an "armed attack on the community" and the absence of National Force troops at the scene. During the call, it was reported that gunshots could be heard. At 4:32 a.m., the Duty Officer initiated a dialogue with the National Force command requesting immediate presence. At 4:42 a.m., a new call reported the death of a man with a gunshot wound to the face. At 4:44 a.m., images of the body, identified as Vicente Fernandes Vilhalva, were sent.

The Duty Officer maintained contact and coordination with the National Force, FUNAI, and the Ministry of Indigenous Peoples. At 5:08 a.m., FUNAI was contacted and responded at 8:33 a.m., informing that a team was on its way and that the Federal Police was en route from Tacuru/MS.

The Ministry of Indigenous Peoples reported communication with SESAI/DSEI/MS (Japorã/MS Base) to assist the injured, recorded as having taken place around 11:00 a.m. (Annex III). Throughout the morning, the leaders reiterated, repeatedly, that no authorities had arrived, even though the Duty Officer had

received reports of their departure. At 8:59 a.m., the leaders reported the arrival of the National Force, but requested the presence of the Federal Police and an increase in personnel, indicating that the National Force team on site consisted of only three agents at that time. At 2:41 p.m., FUNAI officially confirmed to the Hotline that two people had been injured and one had died.

On November 18, 2025, the Hotline continued monitoring in coordination with CIMI and FUNAI, receiving information that among the injured were a 13-year-old teenager and a teacher from the community. The PPDDH team accompanied an inter-institutional agenda in Mato Grosso do Sul between November 18 and 21, 2025, including a listening visit to the territory, and continued in dialogue with the National Force to ensure 24/48 permanence.

Furthermore, as reported by the Federal Police Station in Naviraí/MS (Annex II), the following has been ascertained to date: around November 4, 2025, indigenous people residing in Pyelito Kue allegedly occupied an area of the Cachoeira Farm, which is covered by an ongoing demarcation process; rural landowners took action to remove the intruders, using elastomer ammunition, invoking immediate retaliation (self-defense of possession); injured indigenous people sought out the Federal Police and proceedings were initiated to investigate, in theory, dispossession and bodily injury (due to possible excesses in the removal of intruders); the National Force was called in to take ostensive action; on November 16, 2025, news arrived of the murder of an indigenous person in the occupied area, during a shift change of the National Force; a Federal Police team arrived at the scene, took statements, and conducted an initial investigation; the alleged perpetrator of the murder (a former resident of Pyelito Kue) was formally arrested in flagrante delicto; and on November 26, 2025, search and seizure warrants were executed at Fazenda Cachoeira, with the seizure of cell phones belonging to security guards and the owner.

The team is currently awaiting the analysis of the seized cell phones and the preparation of forensic reports by the Federal Police to allow the investigation to move forward and evidence to be consolidated.

II.II. Information regarding violent attacks against the Guarani-Kaiowá of Tekohá Pyelito Kue

With regard to the violent attacks reported since the beginning of November 2025, the Federal Police reported that the investigation is also ongoing, pending analysis of the seized material and the preparation of expert reports (Annex II). In addition, as reported by the Ministry of Indigenous Peoples on the dynamics of the attacks, emergency measures and inter-institutional measures have been adopted (Annex III).

In this regard, at the end of October and beginning of November 2025, the community of Pyelito Kue reclaimed part of its ancestral territory on the Cachoeira Farm, with the aim of denouncing the spraying of pesticides and demanding the completion of the demarcation process. Since then, the community has suffered successive attacks, with initial reports on November 3, 4, and 5, 2025. In response to the first attacks, the competent department reported that it had deployed National Force personnel to the site and initiated its own administrative process for monitoring and taking action.

FUNAI (CR Ponta Porã/MS) conducted preliminary investigations on November 4, together with the National Force and SESAI, and sent institutional communications to the Federal Prosecutor's Office in Dourados/MS, the Presidency of FUNAI, the Federal Police, and the Ministry of Indigenous Peoples. There is a detailed report of the presence of approximately 65 to 70 indigenous people in the retaken area and of an attack by an armed group, with ballistic evidence (12-gauge cartridges), burned tents, reports of injuries to community members, and the collection of statements with translations to support referrals. On November 5, 2025, new attacks were reported, with videos recorded by the community, although without identification of the attackers.

FUNAI's Regional Coordination Office expressed concern about possible action by the Military Police in the area without a court order, due to the risk of aggravating the situation of violence, and announced that legal measures would be taken to prevent evictions without a court order. In this context, a court decision dated November 17, 2025, determined that the State of Mato Grosso do Sul should refrain, through its police forces,

from carrying out forced removal/eviction/vacating without an express and specific court order.

As for formal records, it is noted that on November 6, 2025, FUNAI accompanied indigenous people to the Federal Police Station in Naviraí/MS to file a report and collect statements about the attacks from November 3 to 5, 2025, with the filing of a criminal complaint for investigation. After the attack on November 16, 2025, the events were the subject of a police investigation and criminal proceedings relating to the arrest of a suspect in flagrante delicto, who was later released, with mention of consistent reports of crimes committed against members of the indigenous community.

Given the gravity of the situation, DEMED/MPI organized an inter-institutional delegation (November 17-22, 2025) to visit the tekoha, listen to the community, and record their demands and the impacts they are facing, with institutional meetings scheduled with the Federal Police, PFE/FUNAI, DPU, and DPE/MS. As a result of the visit, an information note was systematized with a summary of the history of the resumption and a compilation of reports and complaints, in addition to referrals organized into axes (investigations, ostensive policing, collective and individual damage, demarcation/possession, and social protection). A specific briefing note was also recorded with reports of violence against indigenous women, including complaints of physical and sexual violence attributed to "jagunços" and "pistoleiros."

After the event, the National Force remained in the community, with indications that new armed attacks had ceased, although reports of observation/intimidation and fear of traveling to meet basic needs persisted. On January 21, 2026, witnesses to the homicide were accompanied to the Federal Police in Naviraí to give statements, and the request for the inclusion of three witnesses in the protection program was reinforced, with coordination between FUNAI, MPI, and the Ministry of Human Rights and Citizenship. There is also support for CREAS assistance on January 23, 2026, and continued monitoring by the Regional Coordination.

Finally, with regard to the structural context of the conflict, it should be noted that Pyelito Kue is part of the Iguatemipeguá I Indigenous Land, covered by the Conduct Adjustment Agreement signed in 2007 between the Federal Public Prosecutor's Office and FUNAI. It is important to note that in 2013, the identification and delimitation studies were approved and published in the Federal Official Gazette, recognizing the traditional area. Despite this, the community has not

taken full possession and is awaiting the conclusion of the procedure, currently with the Ministry of Justice and Public Security, for the issuance of a Declaratory Ordinance.

II.III Updated information on the demarcation of the Iguatemipeguá I Indigenous Land and other traditional Guarani-Kaiowá lands in Mato Grosso do Sul, and measures to accelerate the process

The National Secretariat for Access to Justice of the Ministry of Justice and Public Security reported that the process of demarcating the Iguatemipeguá I Indigenous Land (MS) is under review by that Ministry for the issuance of a Declaratory Ordinance (Annex IV). The Dourados-Amambaiepeguá Indigenous Land (MS), traditionally occupied by the Guarani and Guarani Kaiowá peoples, is also under review by that Ministry. The monitoring of the situation in the state of Mato Grosso do Sul is referred to as being carried out by the Secretariat in the "Guarani Kaiowá Crisis Office," coordinated by DEMED/MPI, and by the presence of the National Force in the region in support of the Federal Police, according to a ministerial ordinance.

The Secretariat pointed out that the ongoing demarcation procedures were impacted by regulatory changes and constitutional litigation related to Law No. 14,701/2023, which modified the legal framework for demarcation and introduced the "time frame" thesis, with effects on the procedure and discussions on compensation scenarios.

On April 22, 2024, it was determined that legal proceedings regarding the constitutionality of Law 14.701/2023 would be suspended while the Federal Supreme Court (STF) considered the matter, and a Special Commission was created to address the issue. In a virtual session that ended last Friday, December 19, 2025, the STF Plenary considered unconstitutional the section of Law 14,701/2023 that establishes the time frame for the demarcation of indigenous lands.

The majority of the justices followed the vote of the reporting justice in Declaratory Action of Constitutionality (ADC) 87 and Declaratory Actions of Unconstitutionality (ADIs) 7582, 7583, and 7586, reaffirming the STF's already established understanding on the matter. The publication of the ruling is awaited to consolidate the decisions and, based on that, to continue and prioritize the demarcation processes under

review by the Ministry of Justice and Public Security, including Iguatemipeguá I and Dourados-Amambaieguá.

As an administrative measure highlighted in the context of violent conflicts in the state, the MJSP mentioned the publication of MJSP Ordinance No. 1,070/2025, which declared the permanent possession of the Ypoi-Triunfo Indigenous Land to the Guarani Ñandéva people (Paranhos/MS), as an institutional effort to respond to the situation of serious violence.

With specific regard to the Pyelito Kue tekoha, the territory is monitored by a regionalized federal technical team and by leaders included in a protection program, as part of efforts to monitor the situation of the Guarani Kaiowá. The National Force acts in support of the Federal Police and in coordination with state security agencies, which are responsible for investigating and taking action on the aforementioned facts.

III - FINAL CONSIDERATIONS

The Brazilian State takes this opportunity to reaffirm its commitment to the defense of human rights and reiterate its high esteem and consideration for the United Nations.