

Mandate of the Special Rapporteur on the rights of indigenous peoples.

REFERENCE: UA Indigenous (2001-8)
BRA 1/2014

2 January 2014

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding **allegations of escalating violence against Tenharim indigenous people in the state of Amazonas, including alleged attacks against a Tenharim leader and villagers.**

According to information received:

The Tenharim indigenous reserve, created in 1993, comprises approximately 1,309 hectares and is bisected by highway BR-230 near the town of Humaitá in the state of Amazonas. Approximately 220 Tenharim people live on the reserve. Longstanding tensions have existed between Tenharim indigenous people living on the reserve and non-indigenous people in the area over land issues, among other matters, with recent tensions arising from Tenharim representatives charging tolls for vehicles using highway BR-230 in or near their lands.

On or about 3 December 2013, a Tenharim village chief, Ivan Tenharim, was found unconscious on highway BR-230 after having allegedly sustained head injuries and was reported dead soon after. Allegations have been made that the chief was struck by a vehicle and that he was killed on purpose.

It was reported that, subsequently, on 16 December 2013, 3 area residents disappeared while traveling on Highway BR-230 in the vicinity of the Tenharim reserve. Local residents have alleged that the disappearances were an act of reprisal carried out by Tenharim community members in response to the death of Ivan Tenharim.

According to information received, on 25 December 2013, indigenous people from the Tenharim reserve and from other indigenous communities in the area were in the town center of Humaitá when a crowd of local residents began to

harass them, allegedly in response to the earlier disappearances of the 3 men. The crowd grew to an estimated 3,000 people who reportedly set fire to the local headquarters of FUNAI (Fundação Nacional do Índio) and Funasa (Fundação Nacional de Saúde), two state agencies working with indigenous communities in the area. FUNAI vehicles and boats were also burnt. Tenharim individuals, as well as other indigenous persons caught in the violence, fled to the 54th Army Battalion for protection. It is also reported that on 27 December 2013, between 300 and 400 farmers and loggers entered into the Tenharim reserve and carried out a series of violent acts, including burning of homes.

According to information available, a taskforce has been sent to the Humaitá area comprised of members of the Federal Police, Military Police and Army National Force to search for the 3 missing men. It is reported that the Minister of Justice authorized taskforce members to enter in the Tenharim reserve as part of the investigation.

The information I have received about the events described above raise serious concerns over the human rights situation in the area of the Tenharim. I urge your Excellency's Government to take all the measures necessary to prevent any further violence and ensure the safety of the indigenous and other people in the area of the Tenharim reserve and Humaitá, and to address the underlying causes of the conflict.

Moreover, I remain deeply concerned about the ongoing pattern of violence against members of indigenous communities in several parts of Brazil, including in connection with conflicts related to agriculture or development activities that encroach on or otherwise affect indigenous lands and reserves. As you are aware, the issue of violence against indigenous peoples was a subject of concern that was reflected in my 2009 report on the situation of indigenous peoples in Brazil (A/HRC/12/34/Add.2) as well as in subsequent communications to your Government.

As I continue to monitor the circumstances surrounding the situation, I would be grateful if your Excellency's Government could provide any additional information that it deems relevant, including whether the allegations described in this letter are accurate, as well as information about the measures your Government is taking to ensure the safety of the indigenous and other people in the area of the Tenharim reserve. I take note of information reported that a multi-agency taskforce has been dispatched to the Humaitá area to conduct a search in connection with the alleged disappearance of 3 men on 16 December 2013. I would be very interested to know if the taskforce or other law enforcement agencies will also be conducting an investigation into the death of Ivan Tenharim and alleged attacks against Tenharim community members and homes. I would be interested in hearing about the results of these investigations and about continued efforts to resolve the underlying conflicts between indigenous and other residents of the Humaitá area.

Given the urgency of this situation, I would appreciate a response to this communication within 30 days. I undertake to ensure that your Excellency's Government's response is accurately reflected in the report that will be submitted to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples