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**Brazil:**  
**Violence Against the Macuxi and Wapixana Indians**  
**in Raposa Serra do Sol and Northern Roraima from 1988 to 1994**

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The Brazilian Constitution recognizes the right of indigenous peoples to land that they have traditionally occupied. Land has always played a central role in the cultures, identities, and religions of indigenous peoples, with their survival as entities closely linked to the land. However, Indians who attempt to exercise the rights that are guaranteed to them in the Constitution—and especially those who have attempted to reclaim their traditional land and pressure the government to recognize their territories officially—are frequently the victims of violent attacks and other forms of human rights abuse.

Human Rights Watch/Americas takes no stand on the issue of land ownership. However, international human rights standards call upon the Brazilian government to protect the cultures of indigenous peoples and ensure that land conflicts be settled peacefully and with due process afforded to all.<sup>1</sup> Human Rights Watch/Americas is especially concerned with violent attacks targeted at indigenous communities involved in land disputes, the involvement of government actors in this violence, and the Brazilian state's obligations to investigate these crimes, punish those responsible, and protect indigenous communities from violence. In this report we examine one example of this type of conflict.

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<sup>1</sup> Article 27 of the International Covenant on Civil and Political Rights states that persons belonging to ethnic, religious or linguistic minorities "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." Article 26 states that "all persons are equal before the law and are entitled without any discrimination to equal protection of the law." ILO Convention (No. 169) concerning Indigenous and Tribal Peoples (1989) mandates, among other things, that governments develop, "with the participation of the indigenous peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity."

The indigenous peoples of northern Roraima, a state located in the northern Brazilian Amazon, have been the victims of an ongoing campaign of terror and violence waged largely by local ranchers with the support of the Roraima state police. Especially targeted have been the Macuxi and Wapixana Indians who live in the Raposa Serra do Sol indigenous area, located near the Brazilian border with Guyana and Venezuela. The goal of this campaign is to drive the Indians off land that they claim as their traditional home and to discourage them from pressing for the creation of an officially demarcated indigenous area.

In the course of this campaign, Indian communities have suffered violence not only at the hands of private individuals, but also by Brazilian government actors, notably the Roraima state civil and military police. Indians have been beaten, harassed, threatened, arbitrarily arrested, tortured, raped, and killed. Indians are also frequently evicted from land that they are living on—almost always without a warrant and without prior notice to the community—and eviction orders are carried out with unnecessary violence by the police. These violent acts, whether committed by the police or by private individuals, are almost never investigated, and those responsible are rarely prosecuted or punished.

Human Rights Watch/Americas is particularly disturbed that in northern Roraima indigenous communities are subject to violent attack by private individuals and by the state police, and that little is done by the state or federal authorities to investigate these attacks. Instead the local authorities repeatedly side with one party to the land conflict. The Brazilian federal government has also failed to adequately mediate the ongoing land dispute in northern Roraima, thus failing to protect the indigenous communities in this area from violent attacks that are the result of these disputes.

## Introduction

On March 14, 1994, Indians living in the Raposa Serra do Sol indigenous area, located in the northern part of the Brazilian state of Roraima, set up two blockades on a road that runs through the area. The Indigenous Council of Roraima (Conselho Indígena de Roraima, CIR), an all-indigenous organization which planned and organized the action, stated that the roads were being blocked to prohibit access of vehicles delivering supplies to gold and diamond mines (called *garimpos* in Portuguese) located on the Mau, Cotingo, and Quinô rivers.

In addition to protesting the presence of miners in the Raposa Serra do Sol area, the CIR stated that the blockades were a peaceful and nonviolent action aimed at informing the public about the serious problems encountered by indigenous peoples in Roraima. Most importantly, the CIR declared: "The indigenous communities in the state of Roraima are constantly victims of violence perpetrated by landowners and *garimpeiros* (miners), with the institutional support of the civil and military police."<sup>2</sup>

A mission by Human Rights Watch/Americas to the state of Roraima to investigate violence against indigenous peoples amply documented the serious allegations made by the CIR. In this section of the northernmost state in the Brazilian Amazon, indigenous peoples are frequently victims of violence perpetrated by ranchers and their hired gunmen, gold and diamond miners, and the Roraima state civil and military police. Attacks take the form of violent evictions, beatings, destruction of homes and property, illegal arrests, torture, rape, and homicide.

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<sup>2</sup> Conselho Indígena de Roraima (CIR), Letter to the Public, issued March 14, 1994 and signed by Euclides Pereira, coordinator of the CIR, and Clóvis Ambrósio, vice coordinator.

Furthermore, violence against these indigenous communities—composed mainly of Macuxi, Wapixana and Ingarikó Indians—has gone entirely unpunished by the state and federal authorities. The response of the government—when it is not actively involved in the violence—is unresponsive, complicit, and completely inadequate. Impunity is guaranteed.

At least thirty-one indigenous people have been killed in Roraima since 1988.<sup>3</sup> In the Raposa Serra do Sol area alone, there have been twelve homicides of Macuxi Indians during the last eight years, the majority committed by ranchers or gold miners. Of these homicides only one case, a double-homicide in the Raposa Serra do Sol area, has gone to trial. The suspect in this case was acquitted on grounds of self-defense despite having shot one of the Indians in the back of the neck. Other types of crime, especially threats and destruction of property, are even harder to register accurately. Even so, the CIR estimates that since 1991 there have been at least six attempted homicides of Indians, eight rapes, fifteen beatings, seven Indians threatened with death, and one suicide. The Roraima state military and civil police are implicated in ten of these crimes. Two Indians, Velário Tamir Macuxi and Democlides Albuquerque Carneiro, died in police custody, the first as result of a beating by the police and the second shot in the head by a policeman.

Though the violence against indigenous peoples in northern Roraima is particularly intense, this situation is only part of the broader picture of attacks against Indians in Brazil. According to the Catholic-church based Conselho Indigenista Missionário (Indianist Missionary Council, CIMI), forty-three Indians were murdered in all of Brazil in 1993, almost twice the number that were killed in the previous year.<sup>4</sup> In addition, CIMI registered eighty-five murder attempts, seven rapes, twenty-nine beatings, and eighteen illegal arrests.

Also troubling are the disproportionately high rates of suicide and deaths from disease. In 1993, CIMI registered a total of 124 deaths by disease, out of a total indigenous population of some 250,000. The largest number of deaths by disease were caused by malaria. Deaths by disease are often due to both encroachment of non-indigenous people and inadequate medical care. A disturbingly large number of Indians also committed suicide. Thirty-three of the thirty-nine suicides occurred in one community alone, among the Guarani Indians. These Indians live mostly in the state of Mato Grosso do Sul and have been experiencing a plague of suicides, mainly of young men, caused largely by the loss of their traditional land and the

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<sup>3</sup> These figures are only approximations, compiled by the CIR and taking into account only cases that have been denounced to the appropriate authorities. There could be many other homicides, especially of Yanomami in remote areas, that have gone undocumented.

<sup>4</sup> In 1992, CIMI registered twenty-four homicides of Indians. One of the reasons that the 1993 total is higher may have to do with the massacre of sixteen Yanomami Indians by Brazilian gold miners in late July 1993. Of the forty-three murders of Indians in 1993, thirty-two killings were committed by non-indigenous people. Out of this group, eighteen murders were committed by gold miners, seven were caused by conflicts over land, three were committed by loggers, one for revenge and three for unknown motives. Out of all the cases, CIMI only registered one arrest and the opening of seven police investigations. Conselho Indigenista Missionário (CIMI), *A Violência Contra os Povos Indígenas no Brasil em 1993*, (Brasília: CIMI, April 1994), pp. 32-34.

accompanying strains on their culture and way of life.<sup>5</sup>

Much of the violence against Indians in Brazil is the result of disputes over land, and this is without a doubt the main cause of violence against the Macuxi, Wapixana, and Ingarikó Indians in northern Roraima. The Raposa Serra do Sol indigenous area, for example, is one of the main centers of conflict between the indigenous community, largely Macuxi Indians, and ranchers and miners. The area comprises approximately 2,000 hectares (almost 5,000 acres) and borders Guyana and Venezuela on its northern edges. The Fundação Nacional do Índio (Federal Indian Agency, FUNAI) began the process of identifying and demarcating the area in 1977, completing the identification in 1992. However, the land has yet to be completely demarcated by the government.

If Raposa Serra do Sol were officially demarcated as an indigenous area, the federal government would recognize the exclusive rights of the Indian communities to the land. As a result, ranchers (*fazendeiros*) and garimpeiros have conducted a violent campaign to drive Indians off land that they occupy and to oppose the area's demarcation. Fazendeiros and their hired gunmen restrict the movements of Indians, often not allowing them to hunt and fish, burn down homes, and destroy fences and cattle corrals. Attacks on Indian communities and the destruction of their homes and belongings are frequently carried out by fazendeiros with the cooperation of the state military and civil police, some of whom are also land claimants. These actions are almost always carried out without eviction warrants, or with eviction warrants that have been issued without prior notice to FUNAI and to the federal prosecutor's office, as Brazilian law mandates. Under both the Brazilian Constitution and the relevant legislation, all evictions of indigenous communities from their traditional land is illegal. State courts have issued eviction orders. These evictions are usually reversed by the federal courts, who have legal jurisdiction over the matter. Roraima state politicians and the local media are also opposed to recognizing the area as indigenous land, and generally oppose the protection of local indigenous communities. Inflammatory speeches by local politicians no doubt help to fuel the atmosphere of violence against Indians.

### **Legal Protections for Indigenous Peoples**

Brazilian legislation provides special protection for indigenous communities, and the 1988 Constitution of Brazil contains some of the most progressive legal standards in the world for the protection of indigenous peoples. Brazilian legal standards are compatible with the country's international obligations. Unfortunately, these standards have not been enforced and in practice have done little to protect indigenous groups from serious human rights abuses. The federal

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<sup>5</sup> In 1992, CIMI registered twenty suicides of Guaranis, mostly Guarani-Kaiowá and Guarani-Nhandeva. The suicides are fueled by ongoing land disputes and overcrowding in Indian villages. Though several Guarani areas have been fully demarcated, local ranchers have in some cases successfully obtained court orders removing the Indians from land that they claim or allowing them to maintain their ranches on indigenous land. In late January 1994, a group of Guarani from the village of Jaguapiré threatened to commit collective suicide if a court-ordered eviction was upheld on appeal.

See, Núcleo de Direitos Indígenas, "Campaign for the Guarani-Kaiowá Indians of Jaguapiré," (Brasília, 1994); Georg Grumberg, "Why Are the Guarani Kaiowá Killing Themselves?" *IWGIA Newsletter*, No. 2, November/December 1991; Carmem Cruz, "Miséria ameaça sobrevivência dos Guaranis," *Correio Braziliense*, (Brasília), January 9, 1994; "Grupo de índios Guaranis promete suicídio," *Jornal do Comércio*, (Recife), January 20, 1994.

agencies charged with protecting indigenous communities are chronically understaffed and underfunded, and the legislation is honored mainly in the breach. Not only is enforcement a problem, but the federal Congress has yet to approve the accompanying legislation on Indian rights that would implement the constitution. A revision of the Constitution in 1994 posed a further potential threat: politicians and lobbying groups opposed to indigenous rights threatened to significantly diminish or even reverse many of the constitutional guarantees established in 1988. It appears likely at the time of this writing, though, that because of delays in other aspects of the revision process, most of the legislation concerning Indians will remain intact.

The 1988 constitutional provisions on indigenous rights were approved after active lobbying by indigenous groups and their supporters. Article 231 of the Constitution recognizes the "social organizations, customs, languages, beliefs and traditions," of indigenous communities and "their original rights to the land that they traditionally occupy."<sup>6</sup> Indians are guaranteed exclusive and permanent usufruct rights to their traditional lands, though the land itself remains the property of the federal government. Any prior title to indigenous land held by non-indigenous occupiers is declared null and void, though in some cases individuals can apply to the federal government for compensation.

Indigenous issues and territories are generally the responsibility of the federal government. The Constitution declares that the federal judiciary is competent to adjudicate disputes concerning indigenous land.<sup>7</sup> In practice this has usually meant that criminal cases involving Indians, when related to land disputes, fall under the jurisdiction of the federal courts. Criminal cases that do not involve land disputes are generally adjudicated in the state courts. Jurisdictional disputes, though, frequently doom cases of violence against Indians to years of delay and inaction.

The Ministério Público Federal (the federal prosecutor's office) is charged with defending the rights of indigenous communities. A special unit within the Ministério Público, the Coordenadoria da Defesa dos Direitos e Interesses das Populações Indígenas, is entrusted with this responsibility. Only the federal Congress can pass laws affecting indigenous communities. Any mining operations on indigenous land must have prior approval of Congress, and the indigenous communities concerned must be heard. Indigenous communities can be removed from their land with the prior approval of Congress, but only temporarily and in cases of emergency or catastrophe.

Because indigenous areas are recognized as property of the federal government, only the Federal Police are legally authorized to act as a police force in these areas. The Federal Indian Agency, FUNAI, is also granted wide guardianship responsibilities over indigenous communities, and can call upon the Federal Police and the army to protect communities from violence or to remove intruders. Both FUNAI and the Federal Police are subordinate to the Ministry of Justice. In practice, as occurs in many of the indigenous areas in Roraima, it is common for the state civil and military police to act on indigenous lands despite regulations to the contrary.

The constitution obligates the federal government to demarcate indigenous territory and protect and ensure respect for indigenous groups and their land. Most importantly, demarcation

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<sup>6</sup> *Constituição da República Federativa do Brasil*, Article 231.

<sup>7</sup> *Ibid.*, Article 109.

affords indigenous communities the greatest protection from violence and abuse. The demarcation process is a lengthy administrative and physical procedure, which is carried out by FUNAI and subject only to the approval of the Ministry of Justice and the president. In practice, the armed forces, local politicians, and business interests exert significant pressure over the demarcation process.

The 1988 constitution set a five-year deadline for the final demarcation of all indigenous areas in Brazil, including the 519 that have so far been identified.<sup>8</sup> Although this time limit expired on October 5, 1993, only 260, or half of the indigenous areas were demarcated.

The failure to demarcate indigenous lands fully is the result of political pressures against demarcation and of the inadequate allocation of resources to FUNAI by the government. In 1994, for example, the Federal Budget Office approved only 5 percent of FUNAI'S budget request for that year.<sup>9</sup> The Brazilian military has also repeatedly opposed demarcations of indigenous areas along the country's northern border, fearing that this would create a security problem. Since 1987 the military, through the General Secretariat of the National Security Council, has given voice to the age-old desire to "populate" Brazil's Amazonian frontiers and has promoted the Calha Norte (or Northern Boundary) project, which seeks to occupy militarily a continuous strip of land along the northern border with Colombia, Venezuela, Guyana, Suriname, and French Guyana.<sup>10</sup>

At the state level, and especially in the Amazonian region where indigenous areas are the largest in size, demarcation of indigenous lands has been strongly opposed. Local politicians argue that demarcation, and the subsequent removal of ranchers and miners from indigenous areas, will adversely affect the economies of their states. The governor of Roraima, Ottomar Pinto, has stated that if all the identified indigenous areas in his state were demarcated "the economy of Roraima would no longer be viable."<sup>11</sup> The governor of Amazonas, Gilberto Mestrinho, reportedly threatened to have state military police armed with machine guns shoot FUNAI officials working to demarcate indigenous areas.<sup>12</sup> Amazonian politicians have frequently

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<sup>8</sup> *Constituição da República Federativa do Brasil, Ato das Disposições Constitucionais Transitórias*, Article 67.

<sup>9</sup> As with other government spending on social services, the funds allocated to FUNAI fell precipitously in the late 1980s and early 1990s. According to CIMI, since 1990 the amount of money released by the federal government to FUNAI has steadily decreased. In 1989 the government approved 60 percent of FUNAI'S budget request, in 1990 the amount approved dropped to 7.2 percent, in 1991 to 15.5 percent, in 1992 it dropped to 4.8 percent and in 1993, 9.8 percent was approved. In addition, in 1993 the funds were only released in October, giving FUNAI two months to use the money.

See, Conselho Indigenista Missionário (CIMI), "Governo Brasileiro Corta Verba Para Demarcação de Terras Indígenas," *CIMI Newsletter*, No. 98, (Brasília: CIMI, February 3, 1994).

<sup>10</sup> Márcio Santilli, "The Calha Norte Project: Military Guardianship and Frontier Policy," *Cultural Survival Quarterly*, (Cambridge, MA), Volume 12, Number 1, 1989.

<sup>11</sup> João Batista Natali, "Debate sobre terras indígenas divide políticos e entidades," *Folha de S. Paulo*, (São Paulo), August 1, 1993.

<sup>12</sup> Linda Rabben, "Demarcation—And Then What?," *Cultural Survival Quarterly*,

argued that the demarcation of indigenous reservations is, in reality, a strategy on the part of international interests to limit Brazilian access to valuable minerals located on land inhabited by indigenous peoples.

These campaigns against the demarcation of indigenous lands frequently find resonance in Brazil's press. For example, reporting on the possible demarcation of the Raposa Serra do Sol indigenous area, the *Jornal do Brasil* newspaper, a daily with national circulation, falsely reported that 70 percent of Roraima's territory could become indigenous reservations, and that the state's cattle herd, of 400,000 head, was concentrated in the Raposa Serra do Sol area (in fact, potential indigenous areas occupy 42 percent of Roraima and there are reliably estimated to be some 55,000 head of cattle in the Raposa Serra do Sol area).<sup>13</sup> Even more seriously, in August 1987, the newspaper *O Estado de S. Paulo* ran a series of articles about an alleged international conspiracy being carried out by Brazilian indigenous rights groups, foreign churches, and international mining interests, seeking to restrict Brazil's sovereignty and block the exploitation of minerals on indigenous reservations. This series of articles was published during the contentious process of drafting the 1988 constitution, when indigenous rights were a topic of heated debate.

### Historical Background

The current total indigenous population of the state of Roraima, according to the CIR, is approximately 35,000, composed of 11,000 Macuxi; 7,000 Yanomami; 5,000 Wapixana; 1,000 Ingarikó; 100 Wai-Wai; 300 Taurepang; and 10,000 assimilated Indians living in or around the capital city of Boa Vista. The northeastern section of Roraima, along the border with Guyana, is an area of expansive dry savannah and rolling mountains that at the northern extremes of the territory form the northern boundary of the Amazon river basin. This area has been traditionally inhabited by the Macuxi, Ingarikó, and Wapixana Indians. The total indigenous population of this particular region of Roraima is approximately 20,000.<sup>14</sup>

These Indian communities have long been in contact with non-indigenous peoples, mostly since the mid-1800s when Portuguese priests began to establish mission villages along the upper banks of the Rio Branco. The Portuguese had conducted slave-raiding missions along the Rio Branco as early as the middle of the previous century. After a battle with a Spanish force on the Uraricoera river in 1774, the Portuguese became convinced of the need to reinforce the local military post, Fort São Joaquim, and to strengthen Portugal's claim to the border region.<sup>15</sup> In the 1840s there was also a diplomatic dispute between Portugal and Britain, then the colonial power in Guyana, over the mission village of Pirara.

To consolidate their occupation and control of the region, the Portuguese encouraged

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(Cambridge, MA), Summer 1993, p. 12.

<sup>13</sup> Orlando Farias, "Roraima reage a perda de terra para os índios," *Jornal do Brasil*, (Rio de Janeiro), April 23, 1993.

<sup>14</sup> Nádia Farage, "Terras indígenas no Lavrado: o impasse continua," in Centro Ecumênico de Documentação e Informação (CEDI), *Povos Indígenas no Brasil 1987/88/89/90*, (São Paulo: CEDI, 1990), p. 147.

<sup>15</sup> John Hemming, *Amazon Frontier: The Defeat of the Brazilian Indians*, (London: Macmillan, 1987), pp. 30-39.



exploration and settlement. In a depiction which would prove prophetic, an early explorer, Col. Manoel de Gama Lobo d'Almada, described the potential for cattle-raising in the region: "Those fertile plains are covered in excellent pastures for cattle, studded with clumps of bush that would afford shade for the animals during the fiercest heat, irrigated by creeks which render them fertile, and with innumerable lakes from which is drawn a quantity of mountain salt."<sup>16</sup>

Though attempts were made to settle Indians in missionary-controlled villages in the 1800s, European expansion in the area did not begin until the following century and was centered mainly on cattle-raising. Even as early as the 1870s, however, according to one account, there were some 20,000 head of cattle and thirty-two ranches in the Rio Branco valley, with the government farms mainly employing Carib-speaking Macuxi as cowhands.<sup>17</sup> The other large indigenous group that survived in the region, the Aruak-speaking Wapixana, traditional enemies of the Macuxi, also generally offered little armed resistance to settlers and worked on farms or on river boats.

One of the results of this long history of contact between these indigenous peoples and Portuguese and Brazilian settlers is that attempts are often made to deny the ethnic identity of the more acculturated Indians. Though many of these communities have been Christianized and speak Portuguese, they also speak their own languages, live in their traditional communal homes, and practice their traditional ways of life. Many of these communities are adamant in identifying themselves as Indians. Nevertheless, the Macuxi and other Indians with long histories of contact are frequently described, in the media and by the police and government officials, as *caboclos*, or people of mixed Indian and white heritage.

Roraima was a federal territory from 1943 until 1988, when it became a separate state with a ten-year deadline to achieve economic independence from the federal government. Prior to 1943, when Roraima was part of Amazonas, some cattle ranches (or *fazendas*) in Roraima were given legal titles to their land by the government of the state of Amazonas. These titles were conceded by the state of Amazonas even to fazendas on indigenous land, which legally belongs to the federal government.<sup>18</sup> Other cattle ranchers expanded in the area mainly in the 1970s, encroaching upon and invading indigenous lands, and spurred on by federal subsidies extended at that time to agribusinesses. Small-scale ranchers, many of them from the impoverished northeast of Brazil, also claimed land on Indian territory. Further complicating the situation, some ranches have had their title confirmed by the federal agrarian reform agency, the Instituto Nacional de Colonização e Reforma Agrária (INCRA).

### **The Conflict in Northern Roraima**

At present there are thirty-one officially identified indigenous areas in the state of Roraima. These thirty-one indigenous areas add up to 9.5 million hectares (23.5 million acres), or 42 percent of the state. However, only twenty-one indigenous areas have been fully demarcated by the government, with exclusive usufruct rights extended to the indigenous communities occupying the land. Even out of the fully demarcated areas—including the 9.4 million hectare

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<sup>16</sup> Ibid, p. 36.

<sup>17</sup> An account by the British geologist Charles Barrington Brown in Hemming, *Amazon Frontier*, p. 351.

<sup>18</sup> CEDI, *Povos Indígenas no Brasil*, p. 147.

(twenty-three million acres) Yanomami reservation located in the states of Roraima and Amazonas—only five are entirely free of non-indigenous invaders. Despite several high-publicity operations to remove illegal gold miners from the Yanomami reservation, most recently in February 1993, these garimpeiros continue to invade Yanomami land.<sup>19</sup> Indigenous rights groups estimate that as of January 1994 there are over 1,000 garimpeiros operating on the Upper Catrimani river alone.<sup>20</sup>

The Raposa Serra do Sol area is the largest and most politically controversial of the indigenous areas in Roraima that have not been demarcated. There are some eighty-three Indian villages (or *malocas*) within the area, and a total indigenous population of 10,000. According to a report prepared by the CIR, there are also approximately 180 fazendas within the Raposa Serra do Sol area.<sup>21</sup> Very few owners of these ranches, though, have a solid title to their land. One report puts the number of titles at eight,<sup>22</sup> though even these titles should be invalid under the current Brazilian constitution. Further complicating the status of the area, the Roraima state Legislative Assembly is currently attempting to create two new state municipalities within the Raposa Serra do Sol area and the São Marcos indigenous area, which has already been fully demarcated.

Since the 1943, when Roraima became a federal territory, the number and size of the cattle ranches in northern Roraima have gradually expanded, taking over more and more indigenous land as the sons of the original settlers or their employees move on to start their own fazendas. Traditionally, the non-indigenous employees of fazendeiros were paid with a portion of the newly-born cattle, thus gradually acquiring their own herds and starting new ranches. (Indian employees were not paid in cattle, but in cash). As a result, the Indian villages in the area have gradually but persistently been encircled by fazendas, and cattle has become the most important method of occupying land.

Recently garimpeiros have also invaded the area, particularly after 1990 when the government of President Fernando Collor de Mello, amid much fanfare, launched Operação Selva Livre (Operation Free Jungle) to remove garimpeiros from the Yanomami reservation. Some of the garimpeiros removed during this operation moved their operations to the Raposa Serra do Sol area. A smaller number of garimpeiros had been present in the area since gold and diamonds were first discovered there in the 1930s.

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<sup>19</sup> The non-governmental organization Comissão pela Criação do Parque Yanomami, estimates that some 4,739 garimpeiros had been expelled from the Yanomami area by the end of February 1994.

<sup>20</sup> Comissão Pela Criação do Parque Yanomami - CCPY, *Update No. 73*, (São Paulo: Comissão Pela Criação do Parque Yanomami, January 20, 1994).

<sup>21</sup> The majority of these fazendas are relatively small, with the fazendeiros owning small plots with few cattle. Only four fazendeiros own over 2,000 head of cattle. The CIR estimated that there were a total of 55,000 head of cattle in the area in 1991. Conselho Indígena de Roraima, *Análise da Situação Fundiária da Área Indígena Raposa/Serra do Sol Com Base em Levantamento Realizado de Agosto a Dezembro de 1991*, (Boa Vista: CIR).

<sup>22</sup> Statistics compiled by Serpro, quoted in CEDI, *Povos Indígenas no Brasil*, p. 146.

Over the last four years at least five Indians in the Raposa Serra do Sol area have been killed by garimpeiros.<sup>23</sup> Macuxi Indians who live in areas where the garimpeiros operate complained that the mines are responsible for the pollution of their rivers and for the spread of disease, and that the miners bring alcohol and drugs into their areas and are responsible for violence and prostitution. One of the *tuxauas* (or chiefs) from a community near the mines claimed that he cannot freely circulate in the area because he has been threatened with death by the garimpeiros.

Though there have been several official attempts to remove miners from the area, none have been adequately carried out. In August 1991, after a suit was brought by the federal Ministério Público, a federal judge ordered FUNAI and the Federal Police to remove all gold miners from the Raposa Serra do Sol area within thirty days. FUNAI, however, responded that because it was removing garimpeiros from the Yanomami area it did not have the means also to carry out the order to remove them from Raposa Serra do Sol. As a result the judge suspended the order. In December 1991 and May and June 1992 the Ministério Público Federal presented new information about the situation and requested a new judicial order. However, the judge has not yet issued a decision on the matter.<sup>24</sup>

At present, despite the roadblock set up by the Macuxi Indians demanding the removal of the miners, the police are escorting vehicles carrying garimpeiros and their equipment into the area. The police claim that they are merely safeguarding freedom of movement. It should be pointed out, however, that the gold and diamond mines in the area, like most garimpos, or placer mines, have no government authorization and are technically illegal.

The vast majority of conflicts between Indians and non-indigenous peoples in northern Roraima have centered on conflicts over land. In particular, as cattle ranches expanded into land inhabited by the Indians, and as Indian villages grew in population and size, expanding to form new villages, conflicts over land tenure and cattle pasture multiplied.<sup>25</sup> This tension grew particularly in the mid-1980s when the Catholic priests working in the Raposa Serra do Sol area began a cattle-raising project in several indigenous villages. This project increased competition over pasture between indigenous communities and ranchers, allowed the Indian villages a greater amount of independence, and directly challenged the main method that the ranchers had used to expand their territories. Added to these combustible conditions was a more vocal and active Indian movement demanding demarcation of indigenous lands.

In response, ranchers began to fence off land that they claimed as their property, often

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<sup>23</sup> Conselho Indígena de Roraima, *Relação dos Inquéritos Policiais Que Apuram Crimes Praticados Contra ou Entre Índios, em Roraima*, (Boa Vista, Roraima: CIR, March 1994).

<sup>24</sup> Comissão Pró-Índio de São Paulo—Departamento Jurídico, *Informe Jurídico*, Ano III, Nº 17, (São Paulo: Comissão Pró-Índio de São Paulo, August 1991); and Comissão Pró-Índio de São Paulo—Departamento Jurídico, *Informe Jurídico*, Ano IV, Nºs 21 a 22, (São Paulo: Comissão Pró-Índio de São Paulo, September 1992).

<sup>25</sup> Traditionally the Macuxi Indians are semi-nomadic. When a village grows too large, or when there are disputes between people in a village, a group from the community simply moves away and establishes a new village (known as a *maloca*). Besides easing communal tensions, this pattern of habitation helps maximize the use of scarce natural resources and minimize the impact on the environment.

virtually encircling Indian villages and further restricting Indian access to hunting and fishing areas. In addition, various different conflicts have arisen over cattle: ranging cattle sometimes destroy the fields planted by Indians; cattle also sometimes die after drinking *tucupi*, the poisonous liquid secreted as a result of cooking manioc root, a staple in the Indian diet; Indians are accused of stealing cattle and other livestock, and also accuse the ranchers of stealing their cattle; and disputes arise over pasture and watering rights.<sup>26</sup>

In the course of these conflicts, the Roraima state police frequently side with the ranchers against the Indians. Indians accused of stealing or killing cattle belonging to fazendeiros are arrested and beaten, the police participate along with fazendeiros in operations to destroy Indian property, and police beat and harass Indians who are pointed out to them by ranchers as potential trouble makers. Any attempts by the Indians to destroy fences or resist encroachment are met with a swift and violent reaction by the police. Further fueling the conflict, some police are themselves land claimants.

For example, in a case that was described to HRW/Americas by local human rights activists as very common, the police and ranchers carried out a joint operation in the Laje village, a small community of about five families. One of the residents of the village, André Ansieto, described the situation to HRW/Americas:<sup>27</sup>

We often have problems at our village with people harassing us and burning down houses and corrals. So far we've had five houses burnt. This is all due to a conflict with a fazendeiro named Hagamenon, and his son Júnior as well as their employees and a gunman named Manoel [Manoel Ferreira dos Santos, who was acquitted of the murder of two Indians in a nearby community].

One of the most recent incidents happened on March 18 [1994]. I was making a new cattle fence about a hundred meters from the maloca. At 1:00 in the afternoon, four of Hagamenon's employees and Júnior came by and said that they wanted to knock down the fence. I said that I wouldn't let them, even though they pointed guns at me and threatened to kill me.

Later in the afternoon, at about 3:00, Júnior came back with the police. It was the civil police, in a white Toyota. I asked them for their names but they refused to tell me. The policeman in charge—the *delegado*—fired his gun at me and told me that I had better take off running. He shot off to my right side. I think that he wasn't trying to hit me, just scare me. I didn't leave, but the fazendeiro and his men destroyed the fence. I think that the policeman was Antonio "Poeta" Barbosa, of the civil police of Normandia.

After the fazendeiros knocked down the fence the policeman said that he would come

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<sup>26</sup> Although individuals in Roraima who are opposed to the demarcation of Raposa Serra do Sol claim that it would drastically reduce the amount of land available for cultivation and cattle raising, the Brazilian government's own statistics put this argument in doubt.

According to INCRA, the government's agrarian reform agency, there are 4.9 million hectares (twelve million acres) in Roraima claimed by registered properties, of which only 2.97 million hectares (7.35 million acres) are being used. This leaves 70 percent of the land available for potential settlement and development.

<sup>27</sup> Interview at Maloca do Igarapé Grande, April 2, 1994.

back and destroy it again if I built it again. There were also two women police officers there, one of whom was taking photographs of the whole thing.

The next day, at about 7:00 in the morning, the police drove by and looked around, but didn't do anything. This time it was the military police. They said that they were just there to look around. I told them about what had happened and they said that I should make a complaint and talk to FUNAI to fix the situation. They said that it wasn't their fault, that it was a different police force, the civil police, who were responsible. So far we've had four houses burnt in our community. Two were burnt in 1993, one just before Christmas.

Roraima state politicians and the local media unanimously oppose the demarcation of indigenous lands and in some cases openly incite violence against Indians and those who support them. Especially singled out have been Catholic priests and nuns, many belonging to the Italian Consolata order, who actively campaign in favor of Indian rights. Priests working in indigenous areas are frequently accused by the media and the police of fomenting violence against ranchers and of being the source of the conflict, planning takeovers of ranches by the Indians. A recent editorial in one local newspaper, the *Diário de Roraima*, stated:

The situation in the Raposa Serra do Sol area is growing more tense every day. The Indians have responded to the appeals of the priests and have embarked upon aggressive action. ... Either the church contributes to a peaceful solution, or the spilling of blood will be inevitable.<sup>28</sup>

Several priests have been charged with criminal offenses by local judges, some of whom personally and openly side against the Indians. In August 1987, three Italian priests were indicted by Roraima state judges with inciting takeovers of land and violating several criminal offenses, including threatening ranchers, invading private property, and destroying property. A federal appeals tribunal quickly and unanimously overturned these indictments stating that there was insufficient cause for the charges ("*falta de justa causa*"). One federal judge stated: "As far as the accusation of invasion of homes, if it were not for the serious consequences for the fathers, the charges would reach the limits of hilarity."<sup>29</sup>

Priests have also been harassed and threatened with death. In one of the more prominent cases, in February 1993, the bishop of Roraima, Dom Aldo Mongiano, was threatened with death. Dom Aldo is a vocal defender of Indian rights in the state. According to Dom Aldo, at the time that the threats were made, Indians on one demarcated reservation had impounded cattle belonging to a fazendeiro who was attempting to settle on their land, and forced the removal of the fazendeiro from their area.<sup>30</sup> This resulted in an enormous media campaign against the Indians and the priests, largely carried out on the influential local radio stations. Dom Aldo was accused of helping the Wapixana Indians on the reservation to secure assistance of the Federal Police. During one live call-in radio show, on Rádio Equatorial, a man telephoned the host and identified himself as a professional hitman. The man offered, for the right price, to kill the bishop, cut his head off, and display it in Boa Vista's main square, on the gold-panning tray held by a large statue of a gold miner. According to Dom Aldo the host of the show

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<sup>28</sup> "Guerra dos índios," *Diário de Roraima*, (Boa Vista), March 17, 1994.

<sup>29</sup> CEDI, *Os Povos Indígenas do Brasil*, p. 158.

<sup>30</sup> Interview at Boa Vista, April 1, 1994.

responded, "At last, we finally have a brave man." Though the radio station is being sued by the diocese, no criminal charges have been brought against the host, nor have the police identified the anonymous caller.

## **Violence in the Raposa Serra do Sol Indigenous Area**

### **Mass arrests of Indians and destruction of their property**

A dramatic example of conflict generated by ranchers and of the response of the Roraima authorities is the violence that occurred in the Santa Cruz Indian village. This Macuxi village, with a population of approximately 220, lies in the southeastern section of the Raposa Serra do Sol indigenous area, near the city of Normandia and along the Mau river, which forms the border with Guyana. Santa Cruz is also located within land claimed by the Fazenda Guanabara, one of the largest ranches in the Raposa Serra do Sol area. The Guanabara ranch's fences virtually encircled the Santa Cruz maloca and two other smaller Indian villages, Jibóia and Macacos.

In a campaign of progressive intimidation and harassment, the rancher restricted the movement of the Indians, had private gunmen beat Indians who were fishing on planting on land that he claimed, and had gunmen burn down newly constructed homes. Though these incidents occurred in the context of an ongoing dispute over land claimed by indigenous people, the government took no action to mediate in the dispute, investigate acts of violence, or protect the indigenous community from attack. Instead, when the Indians arrested three of the gunmen hired by Tavares, they were met with a major police operation, conducted by the state military police in apparent violation of Brazilian law, during which several Indians were beaten.

In 1986, the owner of the fazenda, Newton Tavares, hired gunmen from a private security firm to patrol the area. These gunmen (known colloquially as *jagunços*) intimidated and harassed Indians, restricting their movements, not allowing them to hunt and fish in traditionally used areas, and not allowing them to build new homes or plant new fields on land that he claimed to be his property. A large gate was built across one entrance to the area, and a wide trench, approximately one kilometer long, was dug between two mountain ridges on the other side of the land, virtually entrapping the Indians. The gunmen hired by Tavares manned the concrete gate, stopping and searching Indians, harassing them, and often refusing to let them enter or exit the area. Employees of the Fazenda Guanabara also threatened Indians and burnt down their homes.

Then, in early 1987, the owner of the fazenda gave the Indians ten days to leave the area, and tensions increased. On February 12, 1987, in one of several such incidents, two jagunços employed by the Fazenda Guanabara went to Jibóia maloca and told a Macuxi Indian named Sr. Pedro that he could not build a new house. The following day, two employees of the fazenda and three military policemen from the neighboring town of Normandia burnt down a home belonging to Antonico Macuxi.

The Indians responded to this pressure by organizing communal work sessions, planting new fields in the area with the help of Indians from neighboring villages. In early March 1987, armed employees of the fazenda responded by forcibly expelling from the area several Indians who lived in other communities, threatening them with death if they returned.

On July 9, 1987, jagunços employed by the fazenda beat up a local Indian man and raped a woman. Indians from the area told HRW/Americas that they reported this attack to FUNAI but that no steps were taken to protect them or investigate the incident and arrest those responsible. As a result, two days later Indians from the Santa Cruz village arrested three of the gunmen.

This action by the Macuxi Indians triggered a massive response by the Roraima state

authorities. Although Indians who were arrested were charged with kidnapping, the force used by the Roraima authorities was clearly excessive. On July 13, two days after the Indians had detained the jagunços, a force of approximately 160 civil and military policemen and two army officers, led by the state secretary for public security, Col. Menna Barreto, launched a military-style operation against the village. No prior attempts were made to negotiate with the Indians about the detention of the jagunços or to mediate between the Indians and Newton Tavares. During the operation several Indians were beaten by the police. After being arrested several Indians were held incommunicado, with no access to their families or lawyers.

According to Macuxi Indians who were present at the time, several of the policemen arrived in a helicopter, which circled over the village, and a large-caliber machine gun was mounted outside the village. During the operation the police beat several Indians, including Augusto Paulino, Abel Macuxi and Constancio Constantino. A policeman punched a pregnant Wapixana woman and kicked her when she fell to the ground. Nineteen Indians, including five minors, were eventually arrested and taken to Boa Vista. There they were charged with kidnapping, maintaining a private prison, forming a criminal gang, and stealing cattle.

One of those arrested, Osmarino Lima Batista, who was sixteen at the time, described to HRW/Americas what occurred:

We were arrested at about 10:00 in the morning. The police arrived at the maloca, in a big operation, with helicopters and machine guns and army soldiers, arrested us and beat us up. They pushed and hit us, and beat one woman, Eunice Servino, who was four months pregnant. After arresting us they made us walk to the police car. One of the police cars had gotten stuck in the sand, and they made us dig it out. After we did this they made us eat sand mixed up with leaves.

Then they forced us to jump into the lake with our dirty clothes on. After this they cut my hair with a knife, and handcuffed us and made us get on the trucks that the police had brought. They divided us into groups and I was taken with some people to the Normandia military police barracks. We stayed there for about two hours and were then driven to Boa Vista.<sup>31</sup>

After being questioned by the police, the adult Indians were taken to the state agricultural penitentiary where they remained for twenty-two days. The five minors were held at the juvenile police station for three days and were then handed over to FUNAI, who helped them return to their homes.

This operation and the attention that it generated led FUNAI, in November 1987 to bar new construction or occupation by non-indigenous people and to designate the area as the Xununuetamu indigenous area, separate from Raposa Serra do Sol. Although the Ministério Público visited the area and complained about the police abuse of the Indians during the operation—stating also that the military police should not have been in the area at all—HRW/Americas could determine no steps that were taken to investigate or punish the police for abuses they committed.

### **Murder of two Indians by gunman**

Though large-scale clashes in the Santa Cruz area have diminished, violence against Indians by private individuals has persisted, encouraged by the climate of impunity. Employees of the

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<sup>31</sup> Interview at Maloca do Machado, April 3, 1994.

Fazenda Guanabara continue to harass and intimidate Indians, with virtually no response from the police. In the most serious attack, on June 25, 1990, two Macuxi Indians, Mario Davis, aged nineteen, and his uncle Damião Mendes, aged thirty-five, were shot and killed by Manoel Ferreira dos Santos, the *capataz* (or manager) of the Fazenda Guanabara.

The shooting was not an isolated incident, but part of a larger pattern of abuse and harassment. Prior to the shooting, Manoel dos Santos and several other employees of the Fazenda Guanabara were responsible for a series of attacks on Indians at the Santa Cruz maloca and the nearby malocas of Jibóia and Macacos. On March 18, 1990, for example, dos Santos, armed with a machete, beat Dorico Macuxi at the gate at the main entrance to Fazenda Guanabara. On March 20, dos Santos invaded and set fire to the house of Francisco da Silva. On March 24, dos Santos and several other employees of the fazenda invaded the home of Manoel Gomes Filho, threatened him, and destroyed some of his belongings.

According to Mario Davis's mother, Dona Benita, the shooting was the result of an argument between Mario and Damião and another Macuxi Indian. According to Dona Benita and several other witnesses, during the course of this argument, the other Indian told Mario, "If you're so smart and powerful, why don't you go kill the capataz of the fazenda that has been bothering your family?" Mario apparently responded: "I will if he deserves it, just like I'll kill you."<sup>32</sup>

Word of this argument then made its way to Manoel Ferreira dos Santos. The following morning dos Santos and another employee of the fazenda came to the Macacos maloca, where Mario and Damião's families live, looking for the two Indians. According to the families of the two Indians, some time around noon they heard two gunshots, after which the dogs that were with Mario and Damião, who were hunting for pigs at the time, came running up to the house. Shortly thereafter a Macuxi Indian from Santa Cruz passed by on his bicycle and said that the capataz had told people at Santa Cruz that he had shot two boys. According to Amnesty International, which also investigated this incident, Manoel dos Santos stated, "I killed two Indians, they're dead and I'm not sorry. I shall give myself up to the police like a man."<sup>33</sup>

Later that day the bodies of Davis and Mendes were located near the Mau river. Mendes was found near the river bank, shot in the back of the neck. Davis's body was found approximately 150 meters away, also dead of gunshot wounds.

The day after the killing, Manoel dos Santos reported to the police station, where he was questioned and immediately released.<sup>34</sup> After the CIR protested the inadequate handling of the case, the Federal Police took over investigations and dos Santos was arrested and imprisoned for two months. In March 1991, he was released from custody and returned to the Guanabara ranch.

On November 10, 1993, Manoel Ferreira dos Santos was brought to trial for the killing of Mario Davis and Damião Mendes. Despite the fact that the killing took place in an indigenous area and in a climate of ongoing violent struggle over land, and thus came presumably under

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<sup>32</sup> Interview at Maloca do Macaco, April 1, 1994.

<sup>33</sup> Amnesty International, *Brazil: 'We are the Land' Indigenous peoples' struggle for human rights*, AMR 19/32/92, (London: Amnesty International, December 1992), p. 4.

<sup>34</sup> Ibid.



federal jurisdiction, the trial was held in the state courts. According to one observer, the judge who handled the case made fun of the Indian witnesses, provoking laughter in the court.<sup>35</sup> The defense attorney reportedly merely stated that it was common knowledge that Indians were thieves and liars, and that they must have attacked the defendant. After an incompetent job by the government prosecutor, who took less than half of his allotted time, Manoel Ferreira dos Santos was acquitted.

Dos Santos claimed that he shot the two Indians in self-defense, even though Damião Mendes had been shot in the back of the neck and neither Indian had carried a gun, while dos Santos had been armed with a shotgun and was on horseback. The prosecutor reportedly failed to mention the many serious inconsistencies in dos Santos's statements to the police, did not inform the jury that before the shooting dos Santos was already being criminally investigated for threatening and harassing Indians in the area, and failed to point out that Mendes's body was found 150 meters away from Davis, near the river and shot from behind, as if he had been fleeing and preparing to jump into the river when he was shot and killed. The prosecutor also failed to point out that the gun used by dos Santos was a single-loading twenty-gauge shotgun, and that he would have had to stop and re-load it twice, which was inconsistent with dos Santos's story of being attacked and firing hastily in self-defense.

Due to the relative prominence of this case, FUNAI hired a lawyer to appeal the sentence, and the appeal may occur soon. In their response to the appeal, dos Santos's lawyers state that FUNAI is in the pay of American churches, whose real goal is to take control of the large amounts of gold located on land claimed by the Indians, and that everyone knows that "the Indians are lazy, do not work, are always drunk and in order to survive rob and steal from the fazendas, only harming the development of our state, all with the assistance of FUNAI."<sup>36</sup>

### **Police evictions and mass arrests**

The pattern of events that occurred at the Maloca Santa Cruz has been repeated at other Indian villages. In general, as Indian communities have attempted to build new houses or new corrals for their cattle herds they have met with hostility from neighboring fazendeiros. In a recurring pattern, the fazendeiros threaten the Indians, burn down the houses or corrals—often with the assistance of the military police—beat and harass Indian leaders and threaten them with death.

When the Indian communities respond to this pressure, usually by organizing communal work parties to rebuild destroyed homes, they are often arrested en masse by the police. Usually the police do not have eviction warrants and have no legal pretense for arresting the Indians—frequently the police themselves admit openly to the Indians that they are acting on the orders of the ranchers. When eviction orders do exist they are carried out with no prior notice to the indigenous communities (which is legal under Brazilian law, though the state military police should not be acting on indigenous land), and with unwarranted violence. The eviction warrants in these cases are issued without hearing FUNAI and are carried out by state police, in both cases violating Brazil's own laws. In addition, as stated above, evictions of indigenous

<sup>35</sup> Frei Antonio Francisco, "Impressões de um julgamento," *Folha de Boa Vista*, (Boa Vista), November 13-15, 1993.

<sup>36</sup> Dr. Clairton Fermino da Costa, *Contra Razões de Recurso de Apelação Interposto pela FUNAI*, Governo do Estado de Roraima, Departamento de Defensoria Pública, Divisão de Assistência Judiciária, Boa Vista, December 13, 1994.

communities from their traditional land are not allowed by law or by the Brazilian constitution.

HRW/Americas interviewed numerous Macuxi Indians who recounted these types of actions by the police. For example, a series of mass arrests, destruction of homes, and beatings by the police were carried out at the Caraparu II maloca in April and early May 1988. As in several other cases, the Indians responded to the initial destruction of their homes and corrals by organizing work parties to rebuild the destroyed property. This resulted in new operations by the police and an escalation of violence and arrests, as more Indians are detained and often beaten by the police.

Although several of these operations were carried out with warrants, there was no prior notice to the Indians or their representatives, who were not given a chance to be heard in court, and the arrests were carried out with unnecessary violence. When the police carried out the evictions they allowed land claimants to participate in the destruction of the Indians' property, acting in total disregard for any appearance of impartiality. In addition, any Indians present at the location were arrested in an apparently arbitrary manner. The warrants that authorized the operations were also issued without hearing FUNAI, in violation of Brazilian law.

The first arrests and destruction of homes at the Caraparu village occurred in April 1988, when the Indians decided to build a shack and a corral for cattle that was going to be donated to the village by the Catholic diocese of Roraima. Seven Indians were arrested in the first operation, and the corral was destroyed. The Indians then rebuilt the destroyed corral. A second police operation, conducted along with employees of the local fazendeiro, resulted in the arrest of sixty-eight Indians and the destruction, once again, of the shack and the corral. The Indians then organized yet another workparty, and were arrested a third time; 116 Indians, including women and children, were taken into custody.

Enedino José Laimã, a Macuxi Indian who was arrested during the first operation, on April 15, described to HRW/Americas what happened to him:

We had just built and covered a *retiro* (a temporary shack). At about 4:00 in the afternoon the military police came and threatened us. More police showed up and there were about seventeen policemen all together, from both the military and civil police. They made two old men climb up on top of the *retiro* and tear down the palm thatching. While the men were on top of the house they set fire to it, and the men had to jump off to avoid getting burnt.

The police then arrested seven of us and put us into three police Toyotas. While all this was going on Jair's cowboy Mindinho and Jair's son Luiz were present, watching what was going on and participating in the destruction of the house. [Jair Alves dos Reis is a fazendeiro who claims land that the Indians were building on.]

The seven of us who were arrested were taken to the Secretaria de Segurança Pública in Boa Vista and got there at about 3:00 in the morning. We were questioned there and they asked us about the priests in the area, accusing them of inciting us. The next morning they took us to the penitentiary.

When we were released the judge told us that we could not go back to our village. Instead he told us that we should go to a part of Roraima where the Yanomami reservation is located, and that we should live there. We did not agree, and ended up staying in Boa Vista until the end of May, when we finally managed to get back home.<sup>37</sup>

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<sup>37</sup> Interview at Maloca do Machado, April 2, 1994.

Particularly troubling in this case was the active participation of the local land claimant's employees in the eviction, police actions which endangered the lives of Indians, and the highly irregular and biased attitude of the local judge, apparently recommending that the Indians not return to land which had previously been identified as an indigenous area, but occupy land fully recognized by the federal government as belonging to another group.

The seven Indians arrested during this operation were held *incommunicado* in the Roraima penitentiary until May 12.<sup>38</sup> (According to Brazilian law, once an arrest is made, the competent judge and the suspect's family must be informed of the arrest within twenty-four hours. The suspect has a right to counsel and *incommunicado* detention is permitted for three days if ordered by a judge.) While they were imprisoned, the police conducted two other operations in their village. During a second operation, sixty-five Indians were initially arrested, though all but four were released the following day.<sup>39</sup> These four were improperly held at the military police barracks.

The third operation occurred on May 6, 1988. Approximately thirty Roraima military police arrived at the location where a large group of Indians were building a corral and a shack. They threatened to arrest the Indians, but the Indians refused to cooperate. In response a large operation was carried out with many civil and military policemen and with the personal presence of the secretary of public security, Col. Menna Barreto, the head of the military police, Col. Santos Rosa, and two army officers. Once again, the police acted with unnecessary violence in carrying out the eviction. One of those arrested described to HRW/Americas the abuse that he and other Indians suffered at the hands of the police:

The police took our things and threw all of our food—rice, beans, and *farinha* [ground manioc]—on the ground. The police also beat up an Indian named Matias. They kicked him in the ribs. While this was going on the fazendeiro [Jair Alves dos Reis], the capataz of his fazenda, and other people from the town of Uiramutã were there watching.

They took us on trucks to the Fazenda Santa Luzia, where we stopped and were given water. Then we drove to Boa Vista.

We got to Boa Vista at about 4:00 in the morning. But before we got there, we stopped in front of Placa [a bar located on the BR-174 road in the Raposa Serra do Sol area]. They made us all get out of the trucks and sit in the street. Then they went around and picked out the people that they said were causing the most trouble (the *bagunceiros*). Altogether they picked out about twenty people. All of these people, including me, got into one truck.

Before we got to the ferry that crosses the Uraricoera river we stopped. The police pulled me out of the truck and said that I had caused a lot of problems at the operation, because I had disobeyed them. They said that I was the "bravest" of the group. So they took me out of the truck and grabbed a branch from a tree with a lot of thorns on it. They took the

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<sup>38</sup> The Indians who were imprisoned were: Plácido José Laimã, Cassimiro José Laimã, Ernesto Laimã, Teodoro José Francisco, Enedino José Laimã, Contacto José Francisco, and João Laimã.

<sup>39</sup> One of those arrested during this operation said that the four Indians who were taken to the penitentiary were: Ivaldo André, José Dalberto, Galbi and Jerasílio. According to Ivaldo André, they spent eighteen days in the penitentiary.

branch and scrapped it across my back about four times. Then they said to grab the most troublesome people that we were going to have to go in front. Three of us were picked out and were put in one of the Toyotas.

While we were in the car they asked us about what we were doing and accused the priests of causing trouble in the area. They asked us why we were building new homes in the area. I told him that it was because that was where our grandparents had lived, and that it was our land.

Before we got to Boa Vista they stopped again and made me get out. They made me squat in front of the police car, right in front of the headlight. One policeman told another one that he should jump on my knees. They discussed this for a little while and the other policeman disagreed, saying that my legs would be broken. So they threatened me but decided not to do anything.<sup>40</sup>

Indians from another community, the Maloca do Miang, recounted a series of similar police operations that occurred in 1988 and 1989. As with the operations at Santa Cruz and Caraparu, the police used unnecessary force, beating several Indians, and acted with little regard for impartiality, apparently at the behest of the local fazendeiro, João Rebouças. One of those arrested, Melquíades Peres Neto, described to HRW/Americas what happened when he was arrested in 1988:

At the time that I was arrested there were two of us in the fields, José Peres, who is my brother, and me. Five policemen showed up, all armed. It was three military policemen and two civil policemen. They got to where we were and handcuffed me with my arms behind my back and beat me up. One policeman held my arms while another kicked me in the stomach and ribs. He also hit me with the butt of his gun in the ribs, twice, and kicked me in the legs, to make me fall down.

Then they took us to the maloca of Manoel Luiz, the tuxaua (chief) of the village, and asked him why he had let us plant our fields. We were all taken to the central police station at Boa Vista and then to the penitentiary, where we were kept for two days before we were released. We were released only after a complaint arrived from Brasília.<sup>41</sup>

Police abuse occurs not only in situations of large-scale confrontations, but even more frequently in response to complaints by local fazendeiros that Indians are building on their land. It is clear that such police actions, which rarely occur with warrants, are not impartial or legal, but are part of a campaign to harass and intimidate the Indians, in order to convince them to abandon their land.

For example, Valcemir de Souza, a Macuxi Indian from the maloca of Lilás, a community of about eighty people, recounted a confrontation with the police that occurred on November 3, 1993:

I was making a retiro (shack) with a friend of mine named Edmilson. The retiro had been finished for about five days. One morning we were sleeping in the retiro and Edmilson got up and saw that there were some policemen approaching us. There were two civil

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<sup>40</sup> Interview at Maloca do Machado, April 2, 1994.

<sup>41</sup> Interview at Maloca do Machado, April 3, 1994.

police, two military police and a female police detective wearing plain clothes. Along with the police was there was also a cowboy who works for Zé Cabrito, who is called Bebê. He was armed with a revolver.

They told us to take all of our things out of the shack. We were only able to grab our hammocks, though. Then they took the food that we had, rice and beans, and some other belongings and threw them on the ground. They told us to set fire to the house, but we refused.

Then they threw Edmilson on the ground and tied his hands together and two civil policemen kicked him a couple of times in the back. Then one of the civil policemen put a gun to his head. They asked how long it had taken to build the house and why we had built it. We said that it had taken us a whole day to build the house. They said, "Well now it's going to be taken apart in fifteen minutes." They cut down the corral that we had built and chopped up the wood and set fire to it. Then they tore the thatching from the roof and knocked over the wall posts. Then they left us there sitting there with our house destroyed.<sup>42</sup>

### **Beating and harassment of Indians by the military police**

In addition to using unnecessary force to evict Indians, the Roraima state military police frequently harass, threaten, illegally detain and beat Indians who they feel to be "troublemakers" or whom they consider the cause of conflicts with local ranchers. A dramatic example was the arrest and beating suffered by Damasceno de Souza Segundo, a Macuxi Indian, at the hands of the police on January 29, 1992.

At the time of this incident, the local Roraima state military and civil police conducted several raids on villages in the Baixo Cotingo area, located along the lower Cotingo river in the southwestern section of Raposa Serra do Sol. These raids were led by Capt. José Wilson da Silva of the military police, himself a land claimant in the Raposa Serra do Sol area. Without warrants and accompanied by local fazendeiros, the police raided Indian villages, threatened to arrest Indian leaders, and told the Indians that they had to leave the area.

On January 29, a group of police—including Capt. Wilson, a military police sergeant named Jurandir, and the head (*delegado*) of the Normandia civil police, Antonio Barbosa, as well as twelve other uniformed military police—visited several Indian villages. Accompanying the police were Uene Mota Pereira and Enilson Mota Pereira, sons of the owner of Fazenda Progresso, located near the Gavião Indian village. According to a complaint filed by local Macuxi tuxauas, the police were there to frighten the indigenous communities and pressure the leaders to leave the area.

That afternoon the police arrived at the Congresso maloca, where they interrogated Waldir Tobias, the tuxaua of the village, and Constancio Constantino for four hours, threatening to arrest them. According to these Indians, Capt. Wilson asked for their identification documents and said that he had received a complaint from Uene Pereira that the Indians were building a fence on land belonging to him and his brother. The Indians also said that Capt. Wilson threatened to burn their houses down if they kept building fences and corrals in the area and added, "In that area Indians don't have any rights to anything." After a tense stand-off, with the Indians refusing to leave the area, the group of police left, heading towards the Gavião village.

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<sup>42</sup> Interview at Maloca do Machado, April 3, 1994.

Capt. Wilson threatened to return to the village the next day and set fire to the houses if the fences were still standing.

At about 4:00 P.M., the policemen and the two ranchers came across a group of about eight Indians who were returning from fishing. According to one account, one of the fazendeiros told the police that Damasceno should be arrested. Other accounts claim that there was a disagreement or some sort of scuffle between the police and the Indians. The police claim that Damasceno was arrested because he was armed with a shotgun attempted to kill one of the fazendeiros sons. Damasceno was arrested, handcuffed, beaten, and put into one of the four Toyotas that the police were driving. Various Indians witnessed Damasceno's arrest and beating. His wife, Elda, reportedly complained to the police, who pushed her away and threatened to shoot her.

Damasceno was then taken to a bar on the BR-174 road near the Cantagalo Maloca, known as Placa, where several witnesses saw him handcuffed inside the police car, and was then taken to the J.P. fazenda. Damasceno was already handcuffed and at the fazenda he was tied to a tree. He later told the press: "After they beat me up they tied me with a rope and at night they started to drink."<sup>43</sup> At around 1:00 that morning, Damasceno managed to escape from the fazenda, still handcuffed, and went into hiding for two weeks.

When the news came out that Damasceno had been arrested and then disappeared, it was first assumed that he had been killed. On February 3, Capt. Wilson went to the FUNAI office in Boa Vista, where he presented the keys to the handcuffs that Damasceno was wearing, and said that the Indian had disappeared.

Despite the disappearance of Damasceno, Capt. Wilson did not stop the police raids on Indian villages in the Baixo Cotingo area. According to a criminal complaint filed by the CIR, on January 30, Capt. Wilson, without a warrant, forcibly relocated an Indian family from Maloca Barreirinha, taking them several kilometers away. The next day Capt. Wilson and the police tried to destroy a corral that belonged to the Curapa village and threatened Indians there with machine guns.

Damasceno reappeared on February 13, and the following day filed a criminal complaint against the police for the beating. The previous day he had been examined by a doctor who determined that he had suffered permanent damage to his right ear because of a beating. Damasceno told the press:

I escaped because I didn't know why they had arrested me. I was in the woods, carrying my sixteen-gauge shotgun, along with my cousin Augustino Segundo and, when I got closer to my house, there were fifteen policemen looking for me. They said that I was arrested, and without giving any explanation they handcuffed me and beat me up, hitting me in my stomach and on my ear.<sup>44</sup>

Six days after the criminal complaint against the police was filed, the government prosecutor requested that it be shelved. The judge in charge of the case consented in July 1992. To HRW/Americas's knowledge nothing has been done to investigate the case or punish the abusive

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<sup>43</sup> "FUNAI e polícia encontram índio que estava desaparecido no Cotingo," *Folha de Boa Vista*, (Boa Vista), February 15-17, 1992.

<sup>44</sup> Ibid.

policemen. Though military police officials stated that steps were being taken within the force to investigate what had occurred, they were unable to provide any details regarding the investigation or the punishment of the policemen.<sup>45</sup>

### **Abuse at police roadblock**

The Roraima military police set up a roadblock within the Raposa Serra do Sol area, along the Urucuri river, in September 1993. The commander of the military police, Col. César Augusto dos Santos Rosa, assured HRW/Americas that the sole purpose of the roadblock was to search cars and stop the smuggling of drugs and other items over the borders with Venezuela and Guyana.<sup>46</sup> Macuxi Indians, however, claim that they are frequently harassed, searched, and stopped at the police barrier for extended periods of time, while ranchers and gold miners pass through quickly. HRW/Americas interviewed several Indians who stated that they were strip-searched, harassed, and forbidden by the military policemen to speak in their own language. Although the police can carry out searches if based on probable cause, Human Rights Watch/Americas is concerned about the apparent arbitrary and discriminatory manner in which these police operations are conducted, and the violence, intimidation and abuse of authority which occurs. In addition, the Roraima state police are openly acting on indigenous land, in violation of Brazilian law.

Sebastião Nestor dos Santos, a Macuxi Indian from Pedra Branca, described what happened to him on September 26, 1993, when a car that he was travelling in was stopped at the police barrier. The car belonged to the Catholic mission at Surumu, and the other passengers along with Sebastião were Lauro Perreira, the driver, a Brazilian nun named Sister José Íris, Lauro's wife Dominga, and her young daughter.

When we got to the barrier the police told us to stop the car and searched inside it. They told Lauro and me to go to one side of the road. A policeman named Sargento Jurandir told me first to take my hat off, which I did. Then he told me to take off my shirt, then my pants and underwear. They did the same thing to the driver, and took the two women to the other side of the road where they made them take their clothes off too—even the nun and the little girl.

There were about eight military policemen there all together. They searched our stuff, and took a small knife from the nun. They also took some of my tools, that I use to work with leather. Also, without saying why or explaining anything, they took two leather hides that belonged to me.

We had our clothes off for only a couple of minutes while we were searched by Sargento Jurandir and another policeman. Then we stood on the side of the road in the sun from noon until about 3:00. The whole time the police were questioning the nun, asking her what she was doing and accusing her of inciting the Indians against the fazendeiros.<sup>47</sup>

Another Macuxi Indian, Gregório de Lima, from maloca Pedra Branca, described how an old Indian man, who could not speak Portuguese, was beaten by the police and prohibited to speak

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<sup>45</sup> Interview at Boa Vista, March 30, 1994.

<sup>46</sup> Interview at Boa Vista, March 30, 1994.

<sup>47</sup> Interview at Maloca do Machado, April 2, 1994.

Macuxi:

Last year, at the end of September 1993, we were passing by the roadblock in a big truck, with about twenty people. There were five or ten policemen at the roadblock and they told us to get down off of the truck because they had to search us and look through our belongings.

We got down and set out our bags and they started looking through them. While the police were doing this we were talking to each other in Macuxi. The police got upset and told us that we shouldn't speak in Macuxi, only in Portuguese.

While the police were looking through our bags they started tearing apart the bags of one old man, trying to look into his stuff. He only spoke Macuxi and tried to tell them to stop, and tried to open his bags for them so that they would not have to tear everything up. The police couldn't understand what he was saying and asked the people standing nearby to translate. They asked one girl, and for some reason she said that the old man was insulting the police, calling the police rats. The policeman grabbed the old man and beat him on the left shoulder with the butt of his revolver.

We were kept at the barrier for three hours all together, just standing there in the sun. We were there from about 11:00 A.M. until 2:00. One other Indian was even forced to strip in front of the police.<sup>48</sup>

Despite these occurrences, Col. Santos Rosa, the commander of the state military police at the time of HRW/Americas's visit, unequivocally stated that no abuse or mistreatment of Indians occurred at the roadblock. He did not neglect to claim, though, that the church in the area, willingly or unwillingly, was sometimes involved in drug smuggling, mentioning a case where marijuana was found in the possession of a garimpeiro who was riding in a car owned by the church.<sup>49</sup>

## **Violence in Other Indigenous Areas**

Although much of the violence in northern Roraima is centered on the Raposa Serra do Sol area, HRW/Americas also documented several cases of abuse of indigenous peoples in other parts of the state. As with the situation in Raposa Serra do Sol, much of this violence is generated by conflicts between Indian communities and ranchers, with the police openly siding with the ranchers and beating and abusing Indians.

### **Beating and humiliation of Wapixana Indians by the police**

On January 14, 1993, three Wapixana Indians from the Canauanim indigenous area were arrested, threatened, beaten, and tortured by the civil police. Canauanim is a 6,324 hectare (15,627 acre) indigenous area, located just east of the capital city of Boa Vista near the BR-401 road, with a population of approximately 300 Wapixana Indians. Although Canauanim is a demarcated indigenous area,<sup>50</sup> one of those arrested was illegally detained by a fazendeiro and

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<sup>48</sup> Interview at Maloca do Machado, April 2, 1994. The old Indian man, through an interpreter, also confirmed this version of events.

<sup>49</sup> Interview at Boa Vista, March 30, 1994.

<sup>50</sup> The bureaucratic demarcation of the area was finished in 1987. The actual physical establishment of the area's borders, though, was not complete until 1990.



the other two Indians were arrested by the Roraima civil police. The police attempted to force the three Indians—Denísio Pereira Cadete, Juvenal da Silva Chiuzo, and Henrique Sales dos Santos—to confess to having stolen a cow belonging to José Rufino, a rancher who runs a fazenda near the Canauanim indigenous area.

Juvenal da Silva told HRW/Americas that on January 14, at about 4:00 P.M., José Rufino and several of the fazendeiro's relatives came to the village and questioned him about a missing cow. Juvenal was in his house when the men arrived, and the fazendeiro asked him to come speak under a tree. When Juvenal got there he realized there were other men waiting there for him. They tied Juvenal up with rope, and took him in their car to José Rufino's fazenda. Juvenal was kept there for several hours, beaten, and questioned about the missing cow. At about 6:00 P.M., the fazendeiro put Juvenal, who was still tied up, in a car and drove him to the police station in Boa Vista that investigates robberies (the Delegacia Geral de Crimes Contra o Patrimônio).

At the police station, no action was taken against the fazendeiro, who was clearly responsible for illegally arresting and beating Juvenal and not properly reporting a crime. Instead, the police handcuffed Juvenal, questioned him about several other Indians from Canauanim, and drove back from Boa Vista towards the indigenous area.

When the cars reached the bridge that spans the Rio Branco, several miles outside of Boa Vista, the police stopped and arrested another Indian, Henrique Sales dos Santos, apparently at the request of the fazendeiro. Henrique told HRW/Americas what happened to him:

I was on my bicycle headed towards Boa Vista at about 6:00 at night. When I got to the bridge, I was surrounded by six policemen in plainclothes. I know that they were policemen because they told me so. They were also with the fazendeiro José Rufino and his son.

They handcuffed me and beat me, and asked about stolen cattle and asked if I knew where Denísio was. They threatened me with a gun, pointing it at my head, and said that they would kill me unless I told them about the cattle. They beat me when they handcuffed me and then punched and kicked me after they put me into the car.<sup>51</sup>

While the car with Juvenal remained at the bridge, the police took Henrique in another car to find another Wapixana named Denísio, who José Rufino accused of stealing his cow. Denísio Pereira Cadete was working at a fazenda owned by a man named Zé Bigode when the police arrived and arrested him. According to his testimony:

The car drove up and braked right in front of me, and when the policeman opened the door it hit me and almost knocked me over. The policeman threw me on the ground, beat me and handcuffed me. My wife was there and complained but they didn't stop.

They took me to the igarapé near the fazenda, and four policemen got out of the car with me. They had tied my feet together with a belt and dragged me near the creek, hitting me in the stomach with their elbows and fists.

They told me to kneel down and one policeman pulled down his pants and pissed on my

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See, Comissão Pró-Índio de São Paulo—Departamento Jurídico, *Informe Jurídico*, Ano II, N<sup>os</sup> 9 a 13, (São Paulo: Comissão Pró-Índio de São Paulo, April-August 1990).

<sup>51</sup> Interview at Canauanim maloca, April 2, 1994.

head. Then the police told me to get up and pushed me to the bank of the creek. There they pushed me onto the ground and stuck my head in the water, trying to drown me twice.

I could see Milton Tonio [the son of José Rufino] and the fazendeiro's son-in-law in the police car. Then they took me back to the car and beat me some more in the stomach and on the head.

While the police beat Denísio they kept Henrique in the car with a revolver in his mouth. The police threatened the Indians and at one point told them that they were going to take them to the Banho da Tietá, one of several well-known clandestine graveyards located near Boa Vista.<sup>52</sup> After the simulated drowning, the Indians were taken back to the civil police station in Boa Vista. At the police station Henrique and Denísio were forced to hold and suck on some remains of a slaughtered cow, which the police told them was the cow that they had killed. According to Denísio, several policemen were watching this, and he was hit in the head several times with a plastic traffic cone. Juvenal was held in a different room from Denísio and Henrique, and was told that he was going to be taken to the penitentiary.

The three Wapixana Indians were kept overnight at the police station, and the following morning Henrique was forced to clean the front entrance of the station. They remained there, without food or water, until 5:00 P.M., when a FUNAI official arrived with Denísio's brother, and they were released into his custody. When the FUNAI official arrived at the police station, the policemen told him that they knew that someone else had stolen the cattle, and not the three Indians. Henrique told HRW/Americas: We are really upset by all this because we feel like we got beat up for no reason at all, and so far nothing has happened about it. I've never had any problems with the police before and I still don't know why this happened. A little while after they arrested us they caught a white man with the meat, all salted and everything. They knew that he was the one that had killed the cow, and yet they kept us in the police station anyway.<sup>53</sup>

Shortly after their release the three Indians had a medical exam performed to document their injuries and filed a criminal complaint against the police. On January 19, 1993, the Federal Police opened an investigation into the incident.<sup>54</sup> But almost a year and a half after the beating, the investigation by the Federal Police remains open and no arrests have been made.

### Deaths in custody

Beatings by the police have resulted in at least two deaths of Indians in custody. On October 23, 1988, Velário Tamir Macuxi, a seventeen-year-old Macuxi Indian, was found dead in police

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<sup>52</sup> In late February 1992, two unidentified corpses were found at the Banho da Tietá. The police estimated that the bodies had been dead for approximately ten days. Six months earlier, other human remains had been found at the site. (see "Polícia encontra mais dois cadáveres no Banho da Tietá," *Folha de Boa Vista*, (Boa Vista), February 28, 1992; and "Polícia desenterra dois corpos de cemitério clandestino," *Diário de Roraima*, (Boa Vista), February 28, 1992.)

<sup>53</sup> Interview at Canauanim maloca, April 2, 1994.

<sup>54</sup> "Polícia Federal investiga denúncias de espancamento," *Folha da Boa Vista*, (Boa Vista), January 20, 1993.

station in Normandia, after having been badly beaten by the military police.<sup>55</sup> According to the CIR, Velário and nine other Indians had been arrested and beaten by the police after a fight broke out at a political rally, at which free alcohol was distributed. The military police beat Velário and another Indian so severely that Velário died at the police station. More than five and a half years after Velário's death no one has been arrested and the case has not yet been brought to trial. Indeed, legal proceeding is still in its initial phase and the policeman accused of having killed Velário has not yet been questioned.

In another more recent case, on November 6, 1993, Democlides de Albuquerque Carneiro, a twenty-six-year-old Macuxi Indian, was shot in the head and killed at the police station in Alto Alegre, a town to the west of Boa Vista along the Mucajaí river. The previous day, Democlides and his older brother, Waldemiro de Albuquerque, had been arrested by the police. The son of a local fazendeiro named Francisco Assis da Silveira had accused Democlides of stealing a bicycle. Although both Democlides and Waldemiro were arrested, Waldemiro was released while Democlides was taken to the police station.

The day after his brother's arrest, Waldemiro went to the police station to check on Democlides. He was told at the police station that Democlides had committed suicide, shooting himself in the head after taking a revolver away from a policeman. Both the Federal Police and the Corregedoria Geral da Polícia Civil launched investigations into the death, and the police's first version of events soon changed. Most importantly, the autopsy revealed that Democlides had been shot from a distance.

When he was interrogated a second time, Norberto Bento, the policeman in charge of the station when Democlides was killed, changed his story. Bento stated that Democlides had not committed suicide. Instead, he claimed that he had a scuffle with Democlides and had accidentally shot him after Democlides tried to take his gun away. When he was interrogated by the Federal Police in early December, Bento gave the following testimony:

The suspect [Bento] stated that [after the killing] he was not formally questioned by his superiors in the civil police, but was told that the situation would be resolved internally, or rather, that what happened would be characterized as the suicide of the Indian. The suspect stated that when the medical report was released Dr. Caio, the director of the Departamento de Polícia Judiciária do Interior [the division of the civil police for the interior of the state], as well as Dr. Mauro, the Secretary of Public Security, called for him and told him to tell them all the details of what occurred. They said that they would help him, but that after explaining to them what had really happened he was arrested and was taken to the Penitenciária Agrícola where he has remained since November 12, 1993.

The civil police investigation into the killing was concluded on November 20, 1993, accusing Bento of the homicide. A parallel investigation by the Federal Police was not yet concluded at the time of HRW/Americas's visit to Roraima in early April 1994. Norberto Bento is currently being held at the Penitenciária Agrícola, awaiting trial. Several days after Bento's confession, the Roraima state secretary of public security, Mauro Magalhães, told the press that Bento was not an actual police officer, but had been working for the police for two months waiting to be commissioned for a job.<sup>56</sup> The secretary of public security admitted that the arrest of Democlides

<sup>55</sup> Amnesty International, *Brazil: 'We are the Land'*, p. 19.

<sup>56</sup> "Agente confessa assassinato de índio," *Diário de Roraima*, (Boa Vista), November 17, 1993.

was made illegally, without a warrant. Magalhães also said that he had fired the police officer in charge of the Alto Alegre delegacia, Wilson Roberto Amorim.

## Impunity

The killing of Democledes Albuquerque Carneiro is an exception to the general pattern of violence against indigenous peoples in Roraima: in this case a police investigation was conducted and a suspect was identified and arrested, though he has not yet been brought to trial.

In the vast majority of these cases the persons responsible for violent abuses, even when they are well known in the local community, are not arrested or brought to trial. According to Amnesty International, there has only ever been one conviction in a case involving the homicide of an indigenous person in Brazil.<sup>57</sup>

Impunity is the result of several factors: the local military police show no interest in responding to violence against Indians (and in fact are frequently the cause of violence), the Federal Police claim that they lack the funds to investigate and are clearly uninterested in following up complaints of violence, and FUNAI frequently fails to obey judicial orders to bring Indians to the capital to testify in criminal cases and otherwise fails to protect Indians from violence.

In the usual pattern, after a crime against an Indian has been committed the case is passed on to the Federal Police for investigation. Investigations launched by the Federal Police frequently remain open years after the crime, or are closed without identifying any suspects. If the investigation is concluded in an adequate manner, the case is then passed on to the federal courts, where it faces another set of delays and obstacles.

For example, over the past three years the CIR registered a total of fifty-three criminal cases of violence against Indians. In only twelve of these cases have the police concluded investigations; four of these cases were closed without identifying any suspects. OUT OF A TOTAL OF SEVENTY-ONE CRIMINAL CASES INVOLVING INDIANS AS VICTIMS OR PERPETRATORS OF CRIMES, HRW/Americas could determine only five cases in which the police investigations had been concluded and recommended the indictment (*indiciamento*) of those responsible. Three of the suspects indicted were Indians. In fifty-seven cases police investigations are either ongoing or have been shelved.

The officials interviewed by HRW/Americas were unanimous in pointing at others as being responsible for this situation of impunity. The superintendent of the Federal Police for Roraima, José Sidney Veras Lemos, complained that the police do not have enough staff or resources to carry out their functions adequately. Lemos complained that in a state with two loosely guarded international borders and many indigenous areas, he had only sixteen Federal Police agents and did not even have a car that worked properly.<sup>58</sup>

Roraima's federal judge, Renato Martins Prates, blamed both the Federal Police and FUNAI for the delays in bringing suspects to trial, stating in particular that FUNAI frequently fails to comply with court orders to present Indians for questioning by the court.<sup>59</sup> Judge Prates complained

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<sup>57</sup> Amnesty International, *Brazil: 'We are the Land'*, p. 21.

<sup>58</sup> Interview at Boa Vista, April 4, 1994.

<sup>59</sup> Interview at Boa Vista, April 4, 1994.

that the police investigations were so slow that often the statute of limitations lapses before police investigations are finished.

The vice president of FUNAI, Sérgio Moscoso, told HRW/Americas that there was very little that FUNAI could do to help respond to violence in the Raposa Serra do Sol area because it had not yet been fully demarcated.<sup>60</sup> He stated that FUNAI had carried out all the necessary studies for the area's demarcation, but that the process was awaiting the approval of the minister of justice.<sup>61</sup> Despite Mr. Moscoso's comments, legal experts in Brazil state that FUNAI has a legal obligation to protect indigenous communities regardless of whether their traditional land has been demarcated.

Despite the complaints of insufficient resources to respond to the problems facing Roraima's indigenous community—which in some cases are warranted—it is also clear that there is a lack of political will to investigate, prosecute, and punish those responsible for violence against Indians. Police investigations and court cases remain open for crimes that occurred many years ago, and in which the suspects are well known and easily identifiable (in some cases being on-duty police).

Violence against the Macuxi and other indigenous peoples in northern Roraima has received less international attention than attacks against other indigenous communities in Brazil, perhaps because of the longer history of contact that the Macuxi and Wapixana have had with the outside world. As a result, less pressure is exerted against the Brazilian authorities than in cases involving other indigenous groups. But even in cases that have received more national and international attention, impunity prevails.

For example, in late July 1993, sixteen Yanomami Indians were killed by Brazilian gold miners in Venezuelan territory.<sup>62</sup> This massacre prompted an outcry by the national and international press and the international community, which has long been concerned with the survival of the Yanomami, one of the largest indigenous groups in the Americas to live with little outside contact. Though the Federal Police concluded an investigation into the incident and recommended the indictment of twenty-three gold miners for the slaughter, only two were actually arrested. These two garimpeiros, Pedro Emiliano Garcia and Eliésio Monteiro Neto,

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<sup>60</sup> Interview at Brasília, April 6, 1994.

<sup>61</sup> Though Raposa Serra do Sol was identified as an indigenous area by FUNAI in 1984, it has yet to be fully demarcated, due largely to pressure against the demarcation by the Brazilian military and by Roraima state politicians.

A decision regarding the area's demarcation has been stalled since May 1993, when FUNAI sent their report to the minister of justice, at that time Maurício Corrêa, for his approval. Roraima state politicians prepared a challenge to the area's demarcation, which the minister of justice sent on to FUNAI for evaluation. In September 1993, FUNAI sent the challenge back to the minister saying that it was not relevant to the demarcation. The minister of justice then sent the documentation on to the Armed Forces, which reportedly recommended against the demarcation of the area, and to the Procurador do Ministério da Justiça for its evaluation. This agency delivered yet another favorable opinion, but the process currently awaits the minister of justice's decision.

<sup>62</sup> This massacre occurred in the village of Hwaximëú (Haximu), some fifteen kilometers across the border into Venezuelan territory.

were released from jail in December 1993, on orders of the federal judge in charge of the case who stated that there was insufficient evidence to warrant their continued imprisonment.

At the time of HRW/Americas's visit to Roraima the case against the gold miners was proceeding slowly in the federal courts. Two Yanomami Indians who survived the massacre were heard in court in April 1994, but were unable to identify their assailants when shown a line-up of possible suspects. (Several of the Yanomami from the village of Haximu where the killing occurred have also recently died of malaria, making investigations even more difficult.) The other crucial witnesses in the case are the gold miners themselves, who the Federal Police claim to be unable to locate. In recent months the proceedings have come to an almost complete halt.

## **Conclusions and Recommendations**

The goal of the roadblocks set up by the Macuxi in March 1994 was to draw attention to the violence in the area and press for the removal of garimpeiros and the demarcation of their land. However, instead of seeking to end the violence and impunity that has prevailed in the area—and that drove the Indians to resort to nonviolent protest—the Roraima state authorities have responded with violence against the Indians.

At the time of this writing, the only response of the Roraima authorities to the Indians's protest has been action by the Roraima state military police. On March 30, at about 8:00 A.M., twenty-eight military police arrived at one of the roadblocks, fired their weapons into the air, and gave the Indians ten minutes to remove their belongings from temporary shacks that they had built along the side of the road. According to the testimony of several Indians present at the blockade, the police did not wait but almost immediately began to destroy the shacks with a tractor, chopped down banana trees that were growing nearby, filled in a well, and destroyed tools, hammocks, a bicycle, and other belongings that the Indians did not have time to gather up. One military policeman beat an Indian, Faustino Pereira da Silva, on the back with the flat edge of a machete. Though the Indians were forced to dismantle the roadblocks, they have constructed dwellings by the side of the road and vow not to move until the government acts to demarcate their land and settle the serious problems in the area.

Violence in the Raposa Serra do Sol area, unfortunately, has continued unabated. The most recent killing occurred on May 17, 1994, when Bento Sampaio, a Macuxi Indian, was killed by Rudney Cesar da Silva, the employee of a rancher. In addition to killing Sampaio, da Silva also reportedly raped Evilene da Silva, Sampaio's wife. Sampaio, who lived in the Napoleão village, apparently had a long standing dispute with rancher José Saraiva, and it is thought that this dispute was the cause of his death.

Human Rights Watch/Americas concludes that the indigenous peoples of northern Roraima have been the victims of a pattern of violence, including violent evictions, beatings, destruction of homes and property, illegal arrests, torture, rape, and homicides. The violence is perpetrated by the state military and civil police, ranchers and their hired gunmen, and gold miners; sometimes all three act in unison.

A particularly troubling aspect of the persistent violence against indigenous peoples in Roraima is the intimate involvement of the Roraima state military and civil police in attacks against Indians. HRW/Americas concludes that the Roraima state military and civil police are engaged in a pattern of repeated illegal and abusive attacks against indigenous people in northern Roraima, frequently carrying out illegal operations at the request of local land claimants and with their active participation. Though much of the violence centers on the Raposa Serra do Sol area, Human Rights Watch/Americas also documented several other cases

of police abuse of Indians who inhabit other areas. This shows that violent actions by the police are not isolated occurrences, but are part of a larger pattern of behavior that the Roraima state authorities apparently tolerate and have done nothing to stop.

When police actions are carried out pursuant to court orders, they are carried out with no prior notice to the communities, with excessive force, leading frequently to the beating of Indians by the police, and with the participation of private individuals. Though evictions without prior notice are legal in Brazil, though not on land that is traditionally inhabited by Indians, Human Rights Watch/Americas has repeatedly recommended that no evictions be carried out without first notifying those concerned and hearing them in court.<sup>63</sup> In the case of Roraima, when eviction warrants concerning land in indigenous areas have been issued, this has occurred without advising the local community and without the court hearing FUNAI or the federal prosecutor, in violation of Brazil's laws. These warrants are usually overturned on appeal.

The commander of the Roraima military police told HRW/Americas that police abuse of Indians, when it occurs, is merely the result of cultural misunderstandings and a lack of well-trained police officers, who sometimes lose their patience and act irresponsibly. However, the pattern of sustained police attacks against Indians, particularly in the Raposa Serra do Sol area, clearly shows that violent attacks by the Roraima state police against Indians are not merely isolated occurrences. Instead, the police participate along with ranchers in using violence in an effort to drive the Indians off their land and convince them not to press for the demarcation of their territory. When Indian communities respond to aggression by ranchers and their hired guns—usually nonviolently by knocking down fences or planting fields in land claimed by ranchers, and occasionally by arresting those who are threatening or harassing them—they become the targets of military-style operations by the police and army and are beaten and arrested.

As noted above, HRW/Americas takes no position on who should have title to land in Brazil or on which areas should be designated indigenous reservations, issues that are beyond our mandate and expertise. However, we firmly believe that the Brazilian government has an obligation to protect indigenous peoples from violence and to allow them to practice their traditional culture, and that disputes concerning land must be resolved peacefully, legally, and with due process afforded to all. In the case of Raposa Serra do Sol, it is apparent that the land dispute between the Indians and local ranchers and gold miners is the cause of serious human rights abuses, and that the state and federal authorities are doing little to ensure that this dispute is resolved peacefully. Instead, the state police openly side with one party to the conflict, while the federal authorities, represented by FUNAI and the Federal Police, have largely abdicated their responsibility to protect Brazil's indigenous population.<sup>64</sup>

Because of its failure effectively to mediate in land disputes, the Brazilian government has left

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<sup>63</sup> See, Americas Watch, *Rural Violence in Brazil*, (New York: Human Rights Watch, February 1991), p. 120.

<sup>64</sup> Criticism of FUNAI should not be seen as a condemnation of all FUNAI employees or representatives. Some FUNAI employees, within the limits of the organization's budget, are dedicated to their responsibilities and are doing all that they can to serve and assist Brazil's indigenous population. Indeed, some FUNAI officers—such as Marcelo dos Santos, who works with the Nambikwara Indians in the state of Mato Grosso—have been threatened with death because of their activities.

indigenous peoples vulnerable to attack and abuse. In addition, in the case of Roraima, Brazilian state actors, in this case the state military and civil police, actively side with these abusive parties. Abuses are not adequately investigated, and those responsible are not prosecuted or punished. Even in areas where indigenous land has been demarcated—such as the Yanomami area, or the Canaúanim area mentioned in this report—the Brazilian authorities have not taken adequate steps to protect indigenous communities from attack.

Impunity is the result of many factors. However, one factor stands out above the others: the lack of political will to protect indigenous communities from violence and to prosecute and punish violent acts when they occur. Equally troubling is the actual participation of government actors in the violence against indigenous people.

Human Rights Watch/Americas calls on the Brazilian government to recognize the seriousness of violence against indigenous peoples in Roraima and to take immediately the following steps:

- All attacks against indigenous peoples by private actors such as ranchers and *garimpeiros*, as well as by the police, must be investigated and prosecuted. In the state of Roraima, the federal authorities could handle the large backlog of cases of abuse against Indians by prioritizing for full and immediate attention those in which Indians were the victims of homicide or serious physical abuse or in which state actors are implicated.
- In order to investigate these crimes and adequately protect indigenous peoples from future abuse, the Brazilian government must demonstrate its commitment to protecting indigenous people by allocating adequate resources to FUNAI and the Federal Police. However, resources alone will not solve the problem, and both agencies must redouble their commitment to protecting indigenous peoples.
- Because of its long history of siding with ranchers against Indians in land disputes, and beating, harassing, threatening, illegally detaining, and in some cases killing Indians, the Roraima state military and civil police should not be allowed to act on land that has been identified as an indigenous area. (This would also conform to Brazil's own laws, which stipulate that only Federal Police can act in indigenous areas.) Incidents of illegal and improper police collusion with those responsible for attacks on Indians should receive special attention for investigation and prosecution.
- Because local, state, and regional authorities are often hostile to indigenous peoples, and because of their biases and frequent close links with individuals claiming land or resources on indigenous land, all criminal cases involving indigenous peoples should be dealt with in the federal courts.
- The Roraima state authorities should take immediate action to reform thoroughly the state police force, to investigate fully any abuses committed by police officers, and to dismiss those found to be responsible for abuse or unprofessional conduct. Special attention should be given to monitoring and punishing the use of unnecessary physical force during arrest and to the torture of detainees.
- Because of the frequent incidents of violence that accompany evictions, the Brazilian authorities should take care to ensure that if evictions are to occur, they take place in accordance with fundamental principles of justice and relevant national and international standards. In particular, communities should be given prior notice of eviction warrants and allowed the opportunity to challenge fully eviction orders in court. Special care should be taken to prevent the use of unnecessary force by police carrying out legally ordered evictions. Officials from



FUNAI and the Ministry of Justice should be present if eviction proceedings occur. Under no circumstances should the police allow local land claimants or their employees to participate in eviction operations. The police, and the local and national authorities should abide by stipulations in the Brazilian constitution and in the relevant legislation that do not permit evictions of indigenous communities from their traditional land.

- The Brazilian government must commit itself to mediating and settling speedily all land disputes involving indigenous peoples. These disputes should be resolved with due process afforded to all and in accordance with the Brazilian constitution and relevant international standards. If it is determined that specific areas should be demarcated as indigenous areas, the government should provide adequate police and FUNAI resources to protect indigenous communities from violence. If it is determined that ranchers or miners, who are frequently the source of violence, are illegally occupying indigenous land, they should be removed. If necessary, irregular occupiers should be re-imbursed according to Brazilian law.

- The demarcation of indigenous areas and the resolution of land disputes are crucial steps in protecting indigenous communities from abuse. Indians living on demarcated indigenous areas are provided with greater legal guarantees against violence. Most importantly, as in the case of Raposa Serra do Sol, if it is determined that a given indigenous area should be demarcated, the federal government legally commits itself to protecting the community from serious abuses of human rights. This commitment to protection becomes explicit and, in theory, removes indigenous communities from the influence of local state actors, who are often intimately tied to those that claim land or resources on indigenous land. However, it is clear that even in demarcated areas, indigenous people have not been granted the full guarantees of protection from violence that are warranted. The Brazilian government must reinforce decisions regarding the demarcation of indigenous land with a full political commitment and the will to protect Brazil's indigenous peoples from attack and abuse.

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**Human Rights Watch/Americas (formerly Americas Watch)**

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