

REPORT

Federal Police operation in the Tupinikim and Guarani Indigenous Villages

By Arlete P. Schubert and Fabio Villas

On 20 January 2006, the Federal Police carried out an operation in compliance with the mandate to return possession in favour of Aracruz Celulose S.A. (ARCEL), issued by the Federal Judge of Linares, Espiritu Santo, Rogerio Moreira Alves (see annex 1), to evict the Tupinikim and Guarani Indians and destroy the villages of Olho D'Água and Córrego do Ouro, located in the Municipality of Aracruz - EZ.

For a better understanding of the issue, a brief summary is made here of the controversy over land between the Tupinikim and Guarani Indigenous Peoples and the multinational company Aracruz Celulose S.A.

- ✓ In 1997, FUNAI recognized two extensions covering 18,070 hectares as lands traditionally occupied by Tupinikim and Guarani indigenous peoples. However, only 7.661 hectares were demarked.
- ✓ On 17/05/2005, the Tupinikim and Guarani indigenous people occupied and demarked 11,009 hectares to accelerate the bureaucratic procedure for Federal Government demarcation;
- ✓ On 18/05, ARCEL obtained a Judicial Order for the return of the 11.009 hectares.
- ✓ At the beginning of August, the Federal Public Ministry presented a reply to the Judicial Order with the request that the Indigenous Peoples should maintain possession. The Judicial Order obtained by ARCEL was revoked. One of the arguments put forward by the Attorney of the Republic in Espiritu Santo Dr. André Pimentel, was that the administrative procedure for the demarcation of the 11, 009 hectares was in process and that shortly the lands would regularized and the eviction of the indigenous people at that time, in addition to being risky, would be untimely as they were facing the “imminence of the final demarcation act.”.
- ✓ At the same time, an understanding between the Tupinikim and Guarani, FUNAI and the Ministry of Justice, established a schedule of activities with well defined deadlines in order to speed up demarcation and regularization of the Indigenous lands. At the end of the month FUNAI's complementary studies were to be concluded, giving greater legal security to the issuing of the declaratory Resolution by the Ministry of Justice and the act of homologation by the President of the Republic. Furthermore, FUNAI took on a commitment with the Indigenous people to monitor the legal action ARCEL was taking to avoid the Indigenous people from recovering possession of the land.

Operation by the Federal Police

The operation was implemented by the Federal Police under the command of the agents Marcos, Delano Cerqueira Bunn, both from Brasilia/DF (Federal District) and the federal agent Graziela, from the Superintendence of Vitoria/ES.

The police forces amounted to some 120 federal agents according to Capixabas newspapers. The federal police were strongly armed with machine guns, revolvers, pepper-gas bombs, truncheons, protective shields and helmets.

They also had four vehicles, two busses and a Federal Police helicopter, and ambulance and a fire engine, tractors and machinery used in felling eucalyptus belonging to ARCEL and a bus from the PLANTAR company.

Workers with PLANTAR and ARCEL uniforms took part in the demolition of the two villages. Furthermore the logistic base for the operation was set up in the ARCEL guest house, located at less than a kilometre from the company's industrial complex. This fact was corroborated by the Federal/ES Deputy Iriny Lopes and the State Deputy Carlos Casteglione, who were present at the site on the night of 20 January.

Two FUNAI officials, Ronaldo Batista and Maria de Fátima Oliveira, also confirmed this fact in their statements (annex 2 and 3).

Córrego do Ouro

In order to understand the police action in the village of Corrego do Ouro in more detail, we have transcribed the statement of the FUNAI official Ronaldo Batista, who was present during the operation and the statement of the Tupinikim leader Jailson Coutinho Daniel, who was in charge of the village where 19 children and 14 adults lived, including a married couple of over 90 years of age.

"I was present in the village of Córrego do Ouro, when at about 08:00 the process of returning possession started, with no reaction on the part of the indigenous inhabitants of the village. At about 11:00 the 5 indigenous families who lived there were already leaving with their personal effects together with some doors, windows and some sheets of roofing that they managed to remove before the process of demolition of their homes took place.

As to the manioc, coconut and other plantations, these were not destroyed but suffered some damage during the manoeuvres with the forklift during the destruction of the houses. The 5 families, amounting to some 30 people and their personal effects were taken to the village of Comboios. Some of them are living as a favour in the homes of relatives as they had nowhere else to live." Ronaldo Batista.

"It was approximately 6:15 a.m. when the special task force comprising close on 40 armed men arrived and a helicopter from the Federal Police flew over the village. The children were still sleeping. When I came out of the house to see what was happening, I saw the helicopter flying over us with a machine gun aimed towards us. The commander of the operation, by the name of Alan, came towards me and behind him the troops in battle formation. He came towards me and told me he had a document and that we had between 5 and 20 minutes to leave the houses. I asked them to lower their arms that told him that we were not going to fight, asking him to give us 2 or 3 hours to leave. He asked me why we were on this land and I answered 'because I am sure that the land is ours' and he replied 'yes, you are well informed.' We spoke a little more and he said 'it is not to your advantage to fight against the company because it is very powerful.' He also said that we should not come back before the Resolution was approved because they would return again. A little later he received radio information that at Olho d'Água there had been resistance and told us he was going there as the Indigenous people were attacking. Then he ordered everything to be demolished and told the machine operator 'Listen Aracruz, you can start.' He called him 'Aracruz.' Everybody was terrified and they took us to a bus that was waiting, the children were very frightened asking if they were going to be shot at, my wife and my father-in-law had a very bad time... We started loading everything outside, afraid that they would destroy the little we had. Destruction lasted an hour, the special task force withdrew and the vehicles and the commander and the machine remained, demolishing everything.

The Cacique arrived and found us all leaving the village and saw everything razed to the ground and then continued to Olho D'Água and I stayed to provide assistance to the people who had been evicted." Jailson Coutinho Daniel

Regarding the village of D'Água, we transcribe here the statements of the FUNAI official, Maria de Fátima Oliveira, the Tupinikim Indigenous leaders Paulo Henrique (leader of Caeiras Velhas and Coordinator of APOIME), Vilson Benedito Oliveira (Cacique of Caeiras Velhas), Ana Paula Santos (a Tupinikim Indigenous Health Agent at Pau Brasil) and of Maria Helena (a nurse from the Health Post at Pau Brasil):

"I think they arrived at the village around 08:30 (I did not have my watch and my cell-phone was turned off), the police got out and formed a line outside the houses. The commander of the operation was astonished as there were only young people, women and children in the village. He called me and sent me to talk to the indigenous people and explain what it was all about. They all gathered in an enormous cabin and only came out to accompany the removal of their personal effects. Meanwhile the indigenous people from other villages heard about what was going on and came to the village of Olho D'Água. At that moment, they still had to remove the belongings from the last house when Cacique Vilson arrived and said they would await the arrival of the other caciques to sit down and talk, as he could not decide on his own as there is a Commission of Caciques. After about 15 minutes waiting, another group of police that had been in the village of Córrego do Ouro entered, banging their truncheons against their shields and then shooting and bombing started. I ran towards the forest in desperation with other indigenous women, older women and children. A helicopter flew over our heads, shooting and dropping bombs. I got dizzy and fell down as I have high blood pressure and I was very frightened. We managed to reach the highway and an indigenous person took me and the Cacique Valdeir who was wounded in the arm and the head, to the Health Post in the village of Pau Brasil. Approximately 1 hour after these events I returned to the place of the conflict to find out what was going on, and it looked like a war scene. I heard that two indigenous people had been arrested, humiliated and handcuffed and in the custody of the Federal Police. I went there to find out if they were injured and to try to help them. I called a reporter from the Red Gazeta to accompany us (there were two FUNAI officials at the site). The Federal Police agents did not let us come near and threatened to shoot if we came any

closer. We retreated and between 15:00 and 15:30 the Federal Police left the place, leaving a scene of war and destruction.” Maria de Fátima Oliveira

“I, Valdeir and Elías were going to Aracruz to a health meeting when we received a call from Helena from the Pau Brasil Post, stating that the Federal Police were at Olho D’Água. We went there and found the police and went to talk with the Agent Marcos from Brasília, to find out what was going on and he showed us the Judicial Order for Eviction. We asked them to wait for the arrival of other leaders. All this took place at about 08:30. Vilson arrived almost immediately just as the police was emptying the last house. He went towards them and told them not to throw the things out and that the indigenous people wanted to wait for the arrival of the Federal Attorney, Dr. André Pimentel. Then Vilson put the things back in the house, the agent called him over to talk but he said he would only talk when the attorney and the other authorities arrived. Then other leaders arrived, Vilmar, Marcelo, Toninho, and there was only time for a quick talk as the police reinforcements arrived and came over to where we were and started shooting. We ran and got separated. I went out to the highway and back to the village, just near where a group of police were escorting the tractors. The agent Marcos was there and said “Didn’t I tell you this was going to happen? That they were going to carry out the judicial order?” Then I started arguing with the agent and told him that I would not leave and they had been sent by Aracruz. Then the agent told the police to arrest me. Several of them came towards me and hit me with their truncheons on my knee, I fell over and they jumped on me. One of them pulled my arm and broke it. I told them that they had broken my arm because of the pain I felt and even so they handcuffed me. I spent two hours sitting in the sun, with a broken arm and I saw it all. The Aracruz forestry tractor knocking down the houses, I saw them setting fire to everything, I saw the helicopter cornering the Indigenous Association’s lorry that arrived with women and children and the police shooting at the indigenous people who were in the car. I also saw the police closing in on the reporter’s cars as they arrived. At that time, I complained to the agent about my arm, he called over a fireman who was standing there and who said it was nothing, it was only dislocated. Then they took me away, near the Police bus and a policeman attacked me, hitting my leg and telling me to sit up straight. The policeman told the agent that he was going to take me to the lorry and give me a thrashing, but the agent did not let him, he told him I had a bruised arm. From there I saw when they arrested Nil. When the police left, they took us to the Aracruz guesthouse and took off our handcuffs and gave us lunch. The police interrogated us but I did not answer any question. Nil replied to some things. There the police laughed at us and an Aracruz official called Jose Antonio congratulated the police for the work they had done and told them that that was the way to treat the indigenous people. There was another official there whom I did not know. The two of them were wearing the company uniform. They called a doctor whom I know by sight, Jose Roberto, as he works in the Sao Camilo Hospital. He examined us and asked us what had happened, I told him everything and he sent me to the hospital. We were taken in a car belonging to the Prefecture of Aracruz. At the hospital another doctor, Dr. Joao examined me and told me that my arm had been broken. He put a splint on it and bandaged it and told me to come back on Sunday to put it in plaster.” Paulo Henrique

“I was going to a meeting in Aracruz at about 8 o’clock when I received a call from a journalist, Juliana from the Gazeta, asking me if I knew that the Federal Police were in the villages to vacate the lands. I told her that I did not know this and thought that it was a lie. About 10 minutes later, Sinhozinho called to say that the Police were at Olho D’Água and then another woman called me from the Pau Brasil Post, saying the same thing. So I went there and when I arrived the police were emptying the last house, they were taking out a sofa and I told them not to take it out. The commander ordered them to continue and so I got hold of the sofa and took it back in. Until then I did not know what was going on. Fatinha, from Funai, came to tell me that it was a return of possession. The agent called me over to talk and I told him I would not talk until the attorney and other leaders got there. Then everything happened very quickly, the other leaders arrived but we had hardly any time to talk because the reinforcements arrived and came towards us and started shooting. We ran towards the eucalyptus trees and they continued shooting. Three of them came after me and the helicopter chased me too. It was humiliating, cowardly, seeing the injured indigenous people, my brother injured. I saw how they arrested Paulo, they threw him on the ground close to the platoon that was escorting the machines destroying the houses. After a while I managed to get to the highway where they were all gathered. We watched from a distance, the helicopter flying close to the ground and the police setting fire to what was left of the houses. Then we set fire to some bushes to hinder the helicopter’s vision, and it continued to fly above us. Then

we marched to Pau Brasil to have a meeting and then we marched to the factory and had another meeting.” Vilson Benedito de Oliveira

“The day this action took place I was going to Olho D’água to register the Guarani families in the Family Grant Programme. The health agent Aparecida and the driver came with me. We left Pau Brasil at about 9 o’clock and very soon arrived at Olho D’Água. We were surprised by what we saw: armed police with shields forming a barrier at the entrance to the village, two vehicles and a Federal Police bus, and a helicopter flying over the place. The Federal police had already formed a barrier in line, with their shields and arms along the side of the highway. We stopped the car and Aparecida went to see what was going on and I went to phone the health post at Pau Brasil to tell them what was happening. Aparecida came back and said that Fatima from Funai was there in the big Cabin with the Guarani families and their children and that two policemen were escorting her and would not let her use the phone. She said that Fatima had shown her the mandate for return of possession. I went there and again phoned to report on the mandate. I spoke to Helena from the health post, and she was letting the others know. I went back to the Cabin for the second time and heard the policeman tell Fatima that Funai in Brasilia already knew about the judicial order. At that moment, the Cacique Valdeir, Nil and Paulo Henrique arrived. They talked at the entrance to the cabin with the police. I saw them look at the Judicial Order and question the date. Again they were told that Brasilia already knew about it. Suddenly shooting started and we all ran and protected ourselves in the house with a terrace and they chased us and threw pepper-gas bombs into the house. Then our skin started burning and we took refuge in another house. When we were fleeing we saw Valdeir with his arm and shirt covered in blood and he also ran with us to the house, there we were, myself, Vilma, from the health post in Caeiras, Aparecida and the cacique Valdeir. I saw them chasing the indigenous people from the ground and from the air, the helicopter was shooting those who ran away and it also followed us when we ran towards the forest, then we managed to get close to the bus from Plantar and the chap loading the Guarani’s belongings said that he had not known that they had called him away from his job to do this. They had told him that it was for a talk at the company. Then I saw that they too were destroying the village. I saw the injured and the families shouting because they did not know if the bullets were rubber or real bullets.” Ana Paula Santos

“I was at the health post when a nurse, a friend from Coqueiral called asking what was going on as she had seen Fatima forced to get into the Comboios Funai car together with some policemen. She told us what she had seen and said they were going in the direction of Pau Brasil. When Ana Paulo phoned and reported about the special task force, I became desperate and started phoning everybody. I called Nadil in Valadares and the secretary told me that he was not there. I called the Cacique Vilson and Arlete, asking for help from the support staff and asked them to call the Attorney. Then Vilma from the Caieiras post arrived prepared to care for the injured. Later Ana Paula called to say that there were many wounded, much blood and then the Cacique Valdeir and two other injured people arrived. The advisory service suggested I ask for an ambulance from the Prefecture and I called San Camilo asking for help and they answered us. Then I accompanied the wounded to the Hospital. There were more than ten of them, this frightened me.” Helena- a nurse from the health post in Pau Brasil

“On Friday 20 January, Arlete Schubert, a colleague from Rede Alerta informed us at about 9 a.m. that the Federal Police were in the village of Olho D’Água to vacate the place, but so far we did not have much information on the Judicial Order ordering the action. As we were both in Novo Almeida, some 15 minutes later we continued on towards Aracruz, arriving first at the village of Pau Brasil, at about 10:15h. We stopped there to get some information and the people there confirmed the action of the Federal Police and even said that the village of Córrego do Ouro had already been vacated and destroyed. We contacted the press and support in Vitoria to ask them to go to the villages and continued on to Olho D’Água. We arrived at the village at about 11:00, exactly at the same time as the bus with Federal Police reinforcements. They quickly descended from the bus and marched towards the cabins, banging their truncheons against their protective shields. We got out of the car and ran towards them and asked them who was in charge of the operation but no-one answered. Then some 20 leaders and caciques stood at some 6 or 7 metres in front of the police squad. The police were dressed in black, with helmets, bullet-proof vests, firearms and truncheons. We stood in front of the police, lifting up our arms and asking them for a dialogue, asking them not to shoot. A policeman appeared that was later identified as the agent Marcos. He said that there was no dialogue, they had been there since 8 o’clock and that they

would wait no longer. We told him that the federal deputy Iriny Lopes had made contacts in Brasilia, through the Human Rights Commission of the Federal Chamber with Funai and the Ministry of Justice. He told us that we had to move or we would be shot at and ordered the police to shoot. The two of us only had time to move out of the way and they fired against the indigenous people who only had sticks and one of them a bow and arrow which he did not use as we two placed ourselves in front of the police to try to negotiate. It all happened very quickly, not even five minutes passed from the time we got out of the car until the time they started shooting. The indigenous people ran off and the police followed them, running and throwing bombs into one of the cabins where there were some people. When we stepped aside, Fabinho and I saw that the Aracruz Celulose tractors and machinery were already there. While the police continued pursuing the indigenous people over land and with a helicopter in the middle of a eucalyptus grove the machines started up and an official from Aracruz Celulose in uniform was moving around. I, Vanessa ran to my car and took the digital camera to start taking photos of the tractors and the police at work. I took a few photos at the beginning of the destruction of the cabins and went after the agent to ask him to stop chasing the indigenous people as they had already left the village and were defenceless. He started shouting at me, showing me the windscreen of a Federal Police vehicle that had been broken and said that they would not stop because the indigenous people had broken the windscreen. I also shouted and asked him to talk to me in a more moderate tone of voice, and questioned the fact that the police, created to provide security, were acting in such a violent way. He asked me who I was and I identified myself with my name and as an advisor to the deputy Carlos Casteglione. He said he was not a savage and that his methods were others. We argued a little more and then he told me to leave or he would arrest me.

I went back to my car that was parked on the highway in front of the village, to get some more batteries for the camera and my handbag and car were o.k. When I turned round, the helicopter flew over my head, trying to get me to move away, not only me but a group of five indigenous people who were going along the highway on the way out of the village. I took a photo and continued along the highway behind the group. We stood at some 100 metres from the village while the police destroyed it and continued to chase the indigenous people. We saw the Indigenous Association's lorry arrive on the highway in front of the village and how it was closed in by the police and the helicopter. We took photos from a distance showing the smoke from the shots against the indigenous people. There was a woman, adolescents, and a 7-months pregnant woman. We stayed there until 15:30 and no-one managed to get any closer, not even the TV Gazeta team that arrived there at about 13:30. A few caciques and leaders managed to leave the eucalyptus grove and come to meet us. Some indigenous people called the ambulance and the health team to give first aid to some of the wounded and we stayed on, trying to call other people who were still missing on our cell phones.

At about 14:00h I tried to get closer to the village to ask to move my car from the highway as the machines were leaving the village and my car was in the way, but I only managed to come 50 metres closer as the police looked at their weapons and told me to go back. I insisted, shouting that I needed to remove my car, but they would not let me. Immediately after this they set fire to the village and there was a lot of smoke that hindered our vision. At about 15:30h we saw that they had gone and we went into the village. It was there that I saw my car in the middle of the forest with the front side window broken. The hand break was on and I was very angry that the Police had not let me remove the car and had committed this act of vandalism to get it out of the way. I took some photos of the car, the village and we continued on to Pau Brasil for a meeting with the community. At that time, the deputies Carlos Casteglione and Brice Bragato arrived to accompany the situation. At about 17:30 we went to the side of the highway that goes to the headquarters of Aracruz and the deputy Iriny Lopes arrived. The helicopter started circling over us again and Iriny and Casteglione, who had information that the Federal Police were at the Federal Police Guest House, went there to question the action and met with some agents and delegates at this place. The parliamentarians took photos of the agents at the House and even talked to them and then came back to us. At about 19:30h the indigenous communities, the parliamentarians and the representatives of Human Rights and NGOs continued towards the gate of the Aracruz factory where they demonstrated in protest until ten o'clock. Vanessa Vilarinho and Fábio Villas

Suspension of the Judicial Order and retreat of the Federal Police

At about 15:00 hours, the federal police retreated rapidly from the location. The houses had been demolished by the ARCEL tractors and burnt. The struts of the houses were also razed by the company machines, probably to prevent or hinder the immediate reconstruction of the houses.

At that time, close on 150 indigenous people from all the villages still remained near the location of this action (at about 100 metres), together with the health staff (doctors and nurses) from the municipality of Aracruz, journalists from various mass media from Espiritu Santo and representatives of civil society bodies. They all went to the village that had been razed. Those who knew the beauty of the village of Olho D'Água, were very concerned and upset. Very quickly the indigenous people organized an assembly during which the caciques and leaders expressed their indignation:

“Today we have been humiliated. The wounds on our bodies hurt, but will pass. What will not pass are the wounds done to our souls, to our dignity and to our rights.”

“In the twenty-first century itself we have been hunted like animals”.

“Out blood has been spilt on the ground and this will not discourage us. We will continue to defend our communities' rights.”

At the same time, they reaffirmed that they are decided to rebuild the villages that have been destroyed and to raise new villages.

At about 16:00 hours the indigenous people were already in the Tupinikim village of Pau Brasil when they received the news that the Judicial Order for returning possession had been suspended by decision of the High Court Judge, president of the Regional Federal Tribunal of the 2nd Region, Dr. Paulo Freitas Barata (annex 4).

According to the indigenous peoples' understanding, return of possession of indigenous land on which the village of Olho D'Água was located was not concluded in favour of ARCEL, as although the houses had been destroyed, they had remained on site.

At the end of the afternoon, the indigenous people walked to the ARCEL factory to protest against the aggression they had suffered and to demonstrate their decision to continue with the struggle to recover the 11,009 hectares in the hands of the company. Again the Federal Police helicopter made low flights over the indigenous people and those who were supporting them. The demonstration at the ARCEL factory was peaceful and lasted a few hours. .

Indigenous people held at the Guest House

During the demonstration at the ARCEL factory, we received the news that the two Tupinikim people that had been arrested (Paulo Henrique and Nil) by the Federal Police during the operation at the village of Olho D'Água, had been released.

The Indian, Nil, from the Village of Pau Brasil told the Federal Deputy Iriny Lopes and the State Deputy Carlos Castegione that they had been under arrest for almost 4 hours in the ARCEL Guest House. Faced with this information, the two parliamentarians went to the place and confirmed the presence of Federal Police in the house belonging to ARCEL. This fact, in the opinion of Iriny Lopes, “characterizes an unacceptable promiscuous relationship. This makes the operation illegal and immoral”. (La Gazeta, 25/01/2005, page 04.).

Possible Irregularities

1. The MPF/ES was not served with a writ in spite of the fact that this action was contained in the judge's decision and only learnt about the decision at approximately 09:30 hours on 20 January by a telephone call from the Indigenous Communities' advisor;
2. In the Mandate for return of possession, the Tupinikim cacique Vilson Benedito de Oliveira and others appear as offenders. However, Vilson only learnt of the presence of the police in Olho D'Água from a journalist and of the judicial mandate when he reached the location;
3. The Federal Police used a house belonging to ARCEL (the Guest House) as a logistic base for the operation. They also used company machinery (tractors,...) and workers and a bus and workers from PLANTAR (a company providing service to ARCEL). According to the declaration of the Tupinikim Paulo Henrique, he stated that *“an Aracruz official called Jose Antonio congratulated the police for the work they had done... There was another official there whom I did not know. The two of them were wearing the company*

uniform.” He also declared that at the site there was “a doctor whom I know by sight, Jose Roberto, as he works in the Sao Camilo Hospital.”

4. The judicial mandate determined returning the land “*known as ‘Block 01-AR’, located near to COHAB/Barrio Coqueiral, in the Municipality of Aracruz/ES, presently occupied by the indigenous people.*” However, the police action was carried out in the village of Olho D’Água, nearly 10 km away from the neighbourhood of Coqueiral and in the Village of Córrego do Ouro, nearly 20 km. away. Furthermore, no indigenous occupation existed in the place named in the judicial mandate.

And to end this report, we can only question the action of the Ministry of Justice and of FUNAI in this lamentable episode. As we stated before, these two Federal Government bodies took on a commitment with the Tupinikim and Guarani caciques, in the presence of the Federal Public Ministry through the Brasilia 6th Chamber, the Federal Chamber’s Commission on Human Rights and of bodies supporting the indigenous people, whereby they agreed to monitor the action of returning possession launched by ARCEL against the indigenous people, to prevent a Judicial Order from evicting them from the land occupied in May 2005.

According to the indigenous people, they were betrayed by FUNAI and by the Ministry of Justice. FUNAI in Brasilia was fully aware of the operation. This was confirmed by telephone by the deputy president Roberto Lustosa to the official of this body, María de Fátima, during the military operation.

The Ministry of Justice prepared the action in Brasilia, far from Espiritu Santo, in an underhand manner and with a military apparatus of terrifying proportions. The procedures used show that the action was planned to be carried out secretly, certainly seeking to minimize repercussions on public opinion and to reduce the possibility of resistance on the part of the indigenous people and suspension of the operation by legal and/or political channels. When the Judicial Order was suspended by the High Court Judge Paulo Freitas Barata on 20 January, the eviction of the indigenous peoples and the destruction of the Village of Córrego do Ouro had already taken place.

Vitoria, 25 January 2006

ANNEXES

1. Mandate for Return of Possession – Federal Judge Rogério Moreira Alves of the jurisdiction of Linhares-ES
2. Declaration by Ronaldo Batista- head of the Funai- PIN Comboios post
3. Declaration by Maria de Fátima Oliveira –Head of the Funai- PIN Tupinikim post
4. Request for Suspension of the Judicial Order by the Attorney of the Republic in ES, Dr. André Pimentel
5. Suspension of the Judicial Order – High Court Judge of the Federal Regional Tribunal of the 2nd Region Paulo Freitas Barata
6. Photos of the military operation.
7. Note by the Indigenous Community of ES

Observation: It was not possible to send some of the annexes by e-mail.

ANNEX 7:s Note by the Indigenous Community of ES

Note by the Indigenous Community of Espiritu Santo

The Indigenous Community of Espiritu Santo publicly manifests its indignation over the genocide and act of extermination practiced by the Federal Police on 20 January 2006 in the municipality of Aracruz/ES.

We report that throughout the week, the deputy Head of FUNAI in ES was informed of the presence of federal police in the indigenous area, for a possible visit due to the presence of a new agent in the commando of the State institution.

But what neither we nor the FUNAI in the indigenous post knew, was that this visit was to fulfil a strategically planned action, through a mandate for return of possession issued by a federal judge of the municipality of Linhares, north of Espiritu Santo. The author of the action was the Aracruz Celulose Company, the interested party in this area of conflict.

It is unacceptable and incredible that even today, in the twenty-first century itself, that we are hunted on our own territory, even with the destruction of our villages.

It is also common knowledge that the land in question is presently subject to a resolution by the courts in Brasilia, and that at the last meeting to address this issue in the Federal Capital, a period of 120 days was determined, expiring at the end of February 2006. This period of waiting was carefully kept by the Indigenous communities. It was also agreed that during this time, none of the interested parties would undertake any type of action and await the solution to be given by the Ministry of Justice. This was not fulfilled by the Company.

Therefore, what we saw and suffered was genocide, literally an act of extermination that, through the action impetrated by Aracruz Celulose, a federal judge in Linhares granted a judicial order with a mandate to return possession of land as set out in the document Block 01-AR, near COHAB – Coqueiral, where there is no indigenous presence and with violent action practiced by federal agents, using a bus from the Aracruz Group, as observed by all those present at the site, all this under the sight of FUNAI-Brasilia, and even of the Ministry of Justice under which both FUNAI and the Federal Police are subordinated. And if this was not enough, we also had the Civil Police from Aracruz refusing to examine the corporal injuries as requested by some wounded indigenous people and additionally the reporter from TV Gazeta trying to omit the truth of the events, alleging that the action of the federal police was justified due to the reaction of the indigenous people towards the police.

For all these reasons, we regret and repudiate the fact that President Lula's Government, from which we had expected favourable actions such as the homologation of our lands, should authorize actions such as a mandate to exterminate our people, our race. On this occasion we condemn and denounce these acts of violence, savagery and cowardliness towards the legitimate owners of these lands and, furthermore, like all good Brazilians we shall be strong and never desist in the search for our rights.

COMMISSION OF TUPINIKIM AND GUARANI CACIQUES AND LEADERS
January 2006