



April 15, 2020

H.E. Mr. Luis Almagro  
Secretary-General of the Organization of American States  
17th Street and Constitution Ave., NW  
Washington, D.C., 20006-4499  
Via email: LAlmagro@oas.org

**RE: Brazil's Violation of Indigenous Peoples' Human Rights  
in the Context of the Covid-19 Pandemic**

Your Excellency,

The Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB) and the Indian Law Resource Center write to draw your attention to severe and ongoing violations of the human rights of indigenous peoples, especially those living in voluntary isolation or recent contact in Brazil. These violations arise from government decisions in three specific policy areas that threaten the lives of indigenous peoples. First, the federal government of Brazil ("Brazil") is failing to take steps to prevent the invasion of indigenous peoples' lands by miners, loggers, settlers, and business interests. Second, Brazil has failed to develop policy plans to prevent or reduce the spread of COVID-19 in indigenous peoples' lands or to consult with indigenous peoples about any such plans. Third, Brazil has not acted to prevent or punish the criminal activities of certain Christian missionary groups that seek to take advantage of the current health crisis to force contact on indigenous peoples living in voluntary isolation or recent contact.

Each of these three policy decisions violate and put at risk indigenous peoples' human rights, including their right to life, land rights, and rights of self-determination. Illegal development and resource exploitation threaten their environmental rights, the Amazon ecosystem, and the global climate. These actions would pose severe health risks to indigenous peoples by exposing them to threats, violence, and disease at any time. However, for indigenous peoples living in voluntary isolation during the COVID-19 pandemic, the risks from these policy choices are so severe as to threaten genocide. Immediate action from the international community is needed to protect these indigenous peoples who have chosen to live in voluntary isolation apart from mainstream society.

We urge you to call on Brazil to meet its international human rights obligations, and to adopt, in conjunction with indigenous peoples, three draft laws which have already been proposed (PL n.1549/2020; PL n.1142/2020; PL n.1305/2020; PL n.1299/2020) to address these specific issues. We ask you to encourage the Inter-American Commission on Human Rights to immediately ask

Brazil to report about these draft laws and make recommendations to ensure they meet relevant human rights standards, and also to report about any other measures that the government may be taking to prevent that indigenous peoples living in voluntary isolation or initial contact in the Brazilian Amazon are infected with COVID-19. Finally, we ask you to encourage the Special Rapporteur on the rights of indigenous peoples to take up this matter and to communicate with COIAB, with other relevant indigenous organizations, and with grass roots indigenous leaders in the region to learn about these specific rights violations and threats.

## Factual Background

According to FUNAI, Brazil's federal agency tasked with development and implementation of policies about indigenous peoples, there are 28 confirmed indigenous peoples tribes or nations living in voluntary isolation or recent contact. FUNAI acknowledges reports of a further 86 tribes or nations living in such conditions<sup>1</sup>, and we at COIAB, based on our own expertise and information, believe that the number of isolated indigenous peoples is likely even higher.

These indigenous peoples' lands are now being invaded by illegal miners, farmers, land grabbers and loggers.<sup>2</sup> The federal government is also taking measures to make these lands available for large-scale mining exploration and agribusiness.<sup>3</sup> In addition, certain Christian missionaries are illegally entering these lands in an attempt to force contact on indigenous peoples.<sup>4</sup> These invasions and trespasses put indigenous peoples in voluntary isolation or recent contact at risk of destruction, whether by the direct violence of the invaders or by epidemiological risks. This situation is further exacerbated by the COVID-19 pandemic because indigenous peoples in voluntary isolation or recent contact are at especially high risk due to their lack of immunity, the absence of basic sanitation, and the very limited health care services available in the region.<sup>5</sup>

So far, although COVID-19 is already spreading among indigenous peoples in the region<sup>6</sup>, the government of Brazil has not taken any effective preventative measures to stop the pandemic from reaching indigenous peoples living in voluntary isolation.<sup>7</sup> Demarcated lands where indigenous peoples in voluntary isolation and recent contact are known to live, such as Yanomami territory in

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<sup>1</sup> Observatório dos Direitos Humanos dos Povos Isolados e de Recente Contato, "*Povos Indígenas Isolados no Brasil: resistência política pela autodeterminação*," February 11, 2020, <https://povosisolados.com/2020/02/11/informe-observatorio-opi-n-01-02-2020-povos-indigenas-isolados-no-brasil-resistencia-politica-pela-autodeterminacao/>.

<sup>2</sup> Márcio Santilli, "*Direto do confinamento: garimpo, índios e coronavírus*," Instituto Socioambiental, 30 March 2020, <https://www.socioambiental.org/pt-br/blog/blog-do-isa/direto-do-confinamento-garimpo-indios-e-coronavirus>.

<sup>3</sup> Jake Spring (reporting) and Susan Thomas (ed.), "*Brazil aims to open indigenous reserves to mining: minister*," Reuters, 8 March 2019, <https://www.reuters.com/article/us-brazil-mining-indigenous-idUSKCN1QPIQP>.

<sup>4</sup> Daniel Biasetta, "*Missionário americano prepara invasão a terras indígenas com povos isolados na Amazônia, dizem lideranças*," O Globo, 24 March 2020, <https://oglobo.globo.com/brasil/missionario-americano-prepara-invasao-terras-indigenas-com-povos-isolados-na-amazonia-dizem-liderancas-24325032>.

<sup>5</sup> Fábio Zuker, "*Médico sanitário diz que doenças respiratórias, como coronavírus, são vilões do genocídio indígena*," Amazonia Real, 16 March 2020, <https://amazoniareal.com.br/medico-sanitarista-diz-que-doencas-respiratorias-como-coronavirus-sao-viloes-do-genocidio-indigena/>.

<sup>6</sup> Haremeet Kaur and Mia Alberti, "*A boy from a remote Amazonian tribe has died, raising concerns about Covid-19's impact on indigenous people*," CNN, 10 April 2020, <https://www.cnn.com/2020/04/10/world/yanomami-amazon-coronavirus-brazil-trnd/index.html>; Nayra Wladimila and Kátia Brasil, "*Ministério da Saúde registra primeiro caso de Covid-19 em Yanomami*," Amazonia Real, 8 April 2020, <https://amazoniareal.com.br/ministerio-da-saude-registra-primeiro-caso-de-covid-19-em-yanomami/>.

<sup>7</sup> Carolina Ribeiro Santana, "*Quando os isolados somos nós*," Observatório dos Direitos Humanos dos Povos Isolados e de Recente Contato, 1 April 2020, <https://povosisolados.com/2020/04/01/isoladossomosnos/>.

the state of Roraima, Araribóia territory in Maranhão, or Ituna Itatá territory in Mato Grosso, suffer from massive invasions. There are reports of as many as 10,000 miners on Yanomami lands.<sup>8</sup> Loggers continue to invade Araribóia territory,<sup>9</sup> and on the Ituna Itatá reserve, there was more deforestation in the first half of 2018 than had occurred in the sixteen years between 2002 and 2018.<sup>10</sup> On March 31, 2020, Zezico Rodrigues, an indigenous leader of the Guajajara peoples, who share the Araribóia territory with indigenous peoples in isolation, was assassinated by armed loggers.<sup>11</sup>

To date, Brazil has taken no steps to remove these invaders and protect indigenous land and peoples. On the contrary, invasions into indigenous territories have been increasing. We believe this is the result in part of the reduced environmental inspections carried out by Brazil's environmental watchdog, IBAMA.<sup>12</sup> However, the confusion caused by the COVID-19 outbreak in Brazil has become an increasingly significant factor in recent weeks as invaders take advantage of confusion and reduced government oversight caused by the pandemic to seize indigenous lands.<sup>13</sup>

The federal government has yet to adopt any strategy for the epidemiological monitoring of the areas where indigenous peoples in isolation live. Nor has the government adopted any other effective public health measures to protect indigenous peoples during this pandemic, despite detailed recommendations from civil society.<sup>14</sup> There are many territories that are shared by different indigenous peoples with various degrees of interaction with the larger society and with each other. For this reason, it is essential to promote the participation of indigenous peoples in monitoring the well-being of isolated peoples as indigenous peoples are the ones who know where those in voluntary isolation or recent contact are located and are best able to determine if they are well. However, the government must monitor the epidemiological conditions of the surrounding populations (indigenous and non-indigenous) in these territories. The government's failure in this regard is inexcusable and poses a terrible threat to indigenous peoples in voluntary isolation or recent contact.

We have no clear information about the development or implementation of relevant public health measures in these territories. If any such policy planning is taking place, indigenous organizations have not been called upon to participate in this process. Brazil does have some pertinent regulations, such as n. 4094 of December 20, 2018, a Joint Ordinance between the Ministry of Health and FUNAI regarding planning, coordination, execution, monitoring and evaluation of health care actions for indigenous peoples in isolation or initial contact. The current government, however, is not implementing this ordinance fully at this time.

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<sup>8</sup> "Thousands of goldminers invade Yanomami territory," Survival International, 1 July 2019, <https://www.survivalinternational.org/news/12158>.

<sup>9</sup> Sam Cowie, "Brazilian 'forest guardian' killed by illegal loggers in ambush," The Guardian, 2 November 2019, <https://www.theguardian.com/world/2019/nov/02/brazilian-forest-guardian-killed-by-illegal-loggers-in-ambush>.

<sup>10</sup> Damian Carrington, "Death by a thousand cuts': vast expanse of rainforest lost in 2018," The Guardian, 25 April 2019, <https://www.theguardian.com/environment/2019/apr/25/death-by-a-thousand-cuts-vast-expanse-rainforest-lost-in-2018>.

<sup>11</sup> Felipe Betim, "Liderança indígena Guajajara é assassinada a tiros no Maranhão, a segunda em cinco meses," El País, 1 April 2020, <https://brasil.elpais.com/brasil/2020-03-31/lideranca-indigena-guajajara-e-assassinada-a-tiros-no-maranhao-a-segunda-em-cinco-meses.html>.

<sup>12</sup> Thais Borges and Sue Branford, "Brazil drastically reduces controls over suspicious Amazon timber exports," Mongabay, 11 March 2020, <https://news.mongabay.com/2020/03/brazil-drastically-reduces-controls-over-suspicious-amazon-timber-exports/>.

<sup>13</sup> Sam Cowie, "In Brazil, Covid-19 outbreak paves way for invasion of indigenous lands," Mongabay, 10 April 2020, <https://news.mongabay.com/2020/04/in-brazil-covid-19-outbreak-paves-way-for-invasion-of-indigenous-lands/>.

<sup>14</sup> Grupo de Trabajo Internacional sobre Pueblos Indígenas en Situación de Aislamiento y Contacto Inicial en la Amazonía y en el Gran Chaco, "Recomendaciones urgentes de Covid-19 con respecto a los pueblos indígenas que viven en aislamiento voluntario," Land Is Life, 20 March 2020, <http://landislife.org/recomendaciones-urgentes-de-covid-19-con-respecto-a-los-pueblos-indigenas-que-viven-en-aislamiento-voluntario-510/>.

Finally, we seek to draw attention to the illegal and very dangerous acts of certain Christian missionaries and missionary organizations. At the end of March, the Union of Indigenous Peoples of the Javari Valley, an indigenous organization, denounced the proselytizing missionaries linked to Ethnos360, formerly known as the New Tribes of Brazil Mission (often referred to by its Portuguese acronym "MNTB"), who were organizing an expedition to forcibly contact indigenous peoples in isolation in the Javari Valley under cover of the confusion caused by the COVID-19 pandemic.<sup>15</sup> This is not their first attempt to contact isolated peoples in this region. At the same time, the government recently appointed a pastor with a long history of missionary activity linked to the MNTB as General Coordinator of the Isolated and Recently Contacted Indigenous Peoples Unit of FUNAI.<sup>16</sup> It is extraordinarily dangerous that this man has access to confidential information, including whatever is known about the locations of indigenous peoples living in voluntary isolation in Brazil, because, as audio recordings document, he has taken this position in order to proselytize among these peoples.<sup>17</sup>

As we stated earlier, efforts to illegally invade indigenous lands or to force contact on indigenous peoples living in voluntary isolation are always violations of indigenous peoples' human rights and always carry severe health risks. However, in the current pandemic, and in light of Brazil's near complete failure to take sound public health measures in conjunction with indigenous peoples to limit or prevent the spread of COVID-19, such invasions threaten the very existence of these indigenous peoples and could soon lead to genocide among indigenous peoples. Urgent action from the Organization of American States is needed to investigate this situation, to denounce these rights violations, and to assist Brazil to understand and implement its human rights obligations.

Yours sincerely,

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<sup>15</sup> Daniel Bissetta, "Missionário americano prepara invasão a terras indígenas com povos isolados na Amazônia, dizem lideranças," O Globo, 24 March 2020, <https://oglobo.globo.com/brasil/missionario-americano-prepara-invasao-terras-indigenas-com-povos-isolados-na-amazonia-dizem-liderancas-24325032>.

<sup>16</sup> Ernesto Londoño and Leticia Casado, "Will an Ex-Missionary Shield Brazil's Tribes From Outsiders?" The New York Times, 5 February 2020, <https://www.nytimes.com/2020/02/05/world/americas/Brazil-indigenous-missionary.html>.

<sup>17</sup> Sílvia Lisboa, Felipe Milanez, Áudios comprovam que pastor assumiu área sensível da FUNAI para converter índios isolados, The Intercept, 13 February 2020, <https://theintercept.com/2020/02/13/audios-missionarios-converter-indios-amazonia/>.