



September 2, 2020

H.E. Assistant Secretary General Nestor Mendez
Organization of American States
200 17th Street NW
Washington, D.C. 20006

Sent via electronic mail to nmendez@oas.org

RE: General Secretariat's August 7 Statement on Participation in Event to Commemorate Indigenous Peoples Week

Honorable Assistant Secretary General:

We appreciate very much the apology contained in the Statement of the General Secretariat of the Organization of American States ([August 7, 2020](#)) and the commitment of the Office of the Assistant Secretary General to collaborate more closely with indigenous peoples and communities in planning future events. Nevertheless, the Indian Law Resource Center and the Coordination of the Indigenous Organizations of the Brazilian Amazon stand by our respective statements condemning Brazil for not allowing an indigenous leader to speak at the Permanent Council meeting that was held during the Inter-American Week for Indigenous Peoples. Whatever the reason, the opportunity to inform the Permanent Council and the OAS was lost and that is very regrettable. It is important now more than ever that the OAS hears from grassroots indigenous leaders, who are democratically elected by the communities they represent, as they have the most knowledge of what is happening in indigenous communities and territories.

We also want to express our extreme concern about the crisis unfolding within the OAS due to the veto of the Brazilian Paulo Abrão, who was removed from his post as Executive Secretary of the Inter-American Commission on Human Rights (IACHR).¹ We denounce the veto and warn about the risk of weakening one of the main human rights bodies in the Americas, especially at a time of great threats to democracy in several countries, such as Brazil.

Bearing in mind the lost opportunity to inform the Permanent Council and the OAS, it is extremely urgent to bring attention to the terrible situation of indigenous peoples in the Brazilian

¹ Inter-American Commission on Human Rights, "The Inter-American Commission on Human Rights (IACHR) Condemns the Serious Attack on Its Autonomy and Independence as a Principal Body of the Organization of American States," *Organization of American States*, 25 August 2020, accessible at: http://www.oas.org/en/iachr/media_center/PReleases/2020/202.asp.

Amazon and throughout Mexico, Central and South America, and the Caribbean within the context of the COVID-19 pandemic. The COVID-19 pandemic has highlighted and exacerbated the inequalities and human rights abuses that indigenous peoples throughout the region (and around the world) encounter.

Already marginalized due to colonization and years of systemic racism, indigenous peoples are particularly vulnerable to the coronavirus because of unequal access to adequate healthcare and medical supplies, the absence of critical information in indigenous languages, and lack of access to clean or sufficient water sources. In addition, many indigenous communities simply do not have the built-up immunity to combat the novel virus and other diseases. For indigenous peoples in isolation or recent contact, the pandemic threatens their very existence.

Some governments in the region are using the pandemic as an excuse to circumvent the rule of law. Some countries have authorized or increased military and police presence to enforce lockdown measures, sometimes with lethal consequences. Some countries have also used the chaos of the pandemic as a cover to push through legislation that supports infrastructure and agricultural projects, putting indigenous peoples, especially those who are “isolated” or in recent contact, at greater risk of contracting the virus.

The situation in Brazil is no different but requires serious attention given the explicit anti-indigenous and anti-environment rhetoric of the current administration. Indeed, the effects of COVID-19 on indigenous peoples have been made far worse because of the failure of the Brazilian government to take the appropriate actions and to provide the needed medical services and supplies. Additionally, the pandemic has intensified a range of other human rights issues for these communities, such as the systematic invasion of their territories by agents of illegal activities like gold mining and logging.

The COVID-19 pandemic in Brazil is among the very worst in the world. Over 3,000,000 have been infected and more than 110,000 have died. As high as these numbers are, the true figures are likely far higher. Experts have criticized Brazil’s COVID-19 statistics as deficient and in some cases manipulated. On June 6th, the government’s decision to stop publishing Coronavirus deaths and infections triggered international outcry. The Supreme Court ordered the government to resume publishing running totals, declaring that withholding this information violates the state’s constitutional duty to protect “the life and health of all Brazilians.” Even as the public health situation continues to deteriorate, the government response to the pandemic continues to be slow, uncoordinated, and contradictory. The Brazilian government has not implemented the standard recommendations for health measures to respond to the pandemic.

In this context, the situation among indigenous peoples is even more appalling and rapidly growing worse. Brazil’s indigenous communities have been particularly hammered by COVID-19 because – for historical, cultural, and social reasons – they are more vulnerable to infectious diseases. Indigenous peoples in isolation and recent contact are at especially high risk, and there are already confirmed cases in at least four Indigenous Territories (TIs) where these populations are known to live, including TIs Yanomami and Vale do Javari, which are home to several different communities.

As of September 1, nearly 29,300 indigenous people in Brazil have been diagnosed with the coronavirus,² a rate nearly twice that of the non-indigenous population. At least 770 indigenous individuals have died from the disease, including a handful of prominent indigenous leaders and elders who served as their community's repository of history, culture, language and medicine. In the Brazilian Amazon alone, there are 21,867 confirmed cases, 629 deaths and 126 peoples affected (data collected until August 28).³ In spite of this, practically nothing has been done by the federal government to create an effective strategy for preventive measures and health care for indigenous peoples.

Though Brazil has repeatedly said that it is adopting measures to contain the pandemic and provide assistance to indigenous peoples, the measures are very restricted and uncoordinated, resulting in hundreds of deaths of indigenous individuals and violating their individual and collective rights. To date, FUNAI, the government agency responsible for indigenous affairs, does not have a national action plan to combat COVID-19. SESAI, the federal government's indigenous health agency, has developed and published a National Contingency Plan for Infection of the New Coronavirus (COVID-19) in Indigenous Peoples. However, SESAI's plan only contains general information and lacks specific measures that consider the special vulnerability of indigenous peoples, especially those in voluntary isolation and recent contact.

According to interviews and data obtained by The New York Times, some health care providers assigned to health posts near indigenous communities may have unknowingly spread COVID-19 to indigenous peoples.⁴ As of July, more than 1,000 SESAI health care professionals have tested positive. Health workers said they have insufficient supplies and protective gear to protect these vulnerable populations. Recently, the current administration vetoed specific measures passed by Brazil's Congress intended to protect indigenous peoples from the pandemic.⁵ Additionally, despite repeated orders⁶ by Brazil's Supreme Federal Court to adopt a series of measures to prevent the spread of COVID-19, the government has failed to comply with deadlines

² For latest data gathered by APIB, the national indigenous organization in Brazil tracking the pandemic, see http://emergenciaindigena.apib.info/dados_covid19/.

³ For the latest data gathered by COIAB, the largest regional indigenous organization in Brazil tracking the pandemic in the Brazilian Amazon, see: <https://coiab.org.br/covid>.

⁴ Andreoni, Manuela, Londoño, Ernesto, and Casado Letícia, "Brazil Health Workers May Have Spread Coronavirus to Indigenous Peoples," *The New York Times*, 19 July 2020, accessible at: <https://www.nytimes.com/2020/07/19/world/americas/coronavirus-brazil-indigenous.html?smid=em-share>.

⁵ Pedrosa, Rodrigo, and Rahim, Zamira, "Brazilian President Jair Bolsonaro vetoes Covid-19 protections for indigenous people," *CNN*, 8 July 2020, accessible at: <https://www.cnn.com/2020/07/08/americas/brazil-jair-bolsonaro-coronavirus-intl/index.html>.

⁶ For the first Federal Supreme Court order, see: Notícias STF, "Barroso determina que governo federal adote medidas para conter avanço da COVID-19 entre indígenas," *Supremo Tribunal Federal*, 8 July 2020, accessible at: <http://stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=447103&caixaBusca=N>, For the second Federal Supreme Court order, see: Notícias STF, "STF referenda medidas de enfrentamento da Covid-19 em terras indígenas," *Supremo Tribunal Federal*, 5 August 2020, accessible at: <http://stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=448997>.

to create sanitary barriers, a crisis response team, and a plan to remove invaders.⁷ One Supreme Court Justice, Luiz Fux, noted that this situation can be described as genocide.⁸

Long before COVID-19 struck, a combination of government inaction, deregulation, and anti-indigenous rhetoric caused a cascade of violations of indigenous rights. Since the election of Jair Bolsonaro, government agencies in charge of safeguarding indigenous rights and environmental protections have been weakened by budget and personnel cuts. There has been an accelerated increase in deforestation in the Brazilian Amazon, particularly on indigenous lands. Killings of indigenous leaders in Brazil have increased dramatically, with 2019 seeing the highest number of killings in two decades. Invasions and illegal incursions by loggers, miners, squatters and land grabbers onto indigenous lands have also accelerated. Aggressive, unwelcome intrusions by missionary groups have risen as well, threatening the livelihoods and lives of indigenous peoples in voluntary isolation. Under any circumstances, these intrusions constitute serious violations of indigenous rights, including cultural rights, collective land rights and the rights of indigenous peoples in voluntary isolation.⁹ In the context of COVID-19, these invasions and trespasses put indigenous peoples, especially those in voluntary isolation or recent contact, at risk of destruction whether by the direct violence of the invaders or by epidemiological risks.

The pandemic is serving as a cover for the state to further undermine indigenous rights and environmental policies. Between March and May 2020, President Bolsonaro issued 195 acts — ordinances, normative instructions, decrees, and other measures — aimed at easing environmental laws.¹⁰ Although these official acts do not have the same legal force since as if they had been approved by Congress, their issuance puts them into legal effect until Congress or the courts can analyze and overturn them, which can take considerable time. For reference, during the same period in 2019, just 16 acts were issued. The government has also permitted extractive industry projects and the continued construction and use of roads and other infrastructure on indigenous lands, especially in the Amazon, furthering fears about the spread of COVID-19.

During a cabinet meeting in May, Ricardo Salles, the Minister of the Environment, suggested that as the press and the international community focus on a global pandemic, the

⁷ Rubaii, Nadia, and Araujo Jr., Julio José, “Judge orders Brazil to protect Indigenous peoples from ravages of COVID-19,” *The Conversation*, 7 July 2020, accessible at: <https://theconversation.com/judge-orders-brazil-to-protect-indigenous-people-from-ravages-of-covid-19-142356>. See also de Agostinho, Jaime, “Apesar do ordem do STF, governo não cria barreiras sanitárias para proteger indígenas isolados,” *Ecoamazonia*, 23 July 2020, accessible at: <https://www.ecoamazonia.org.br/2020/07/apesar-ordem-stf-governo-cria-barreiras-sanitarias-protoger-indigenas-isolados/>. See also, Álvares, Débora, “Top court rules Brazil must protect Indigenous peoples in pandemic,” *Associated Press*, 5 August 2020, accessible at: <https://www.pbs.org/newshour/world/top-court-rules-brazil-must-protect-indigenous-in-pandemic>.

⁸ Reverdosa, Marcia, Pedroso, Rodrigo, and Wenzel, Fernanda, “Brazil’s top court backs special protection for indigenous communities, but won’t set timeline for exit of outsiders,” *CNN*, 10 August 2020, accessible at: <https://www.cnn.com/2020/08/08/americas/brazil-supreme-court-indigenous-ruling-intl/index.html>.

⁹ Brazil, which adopted the American Declaration on the Rights of Indigenous Peoples, has a duty to protect the rights indigenous peoples. Moreover, under Article 24, Brazil must protect indigenous peoples in isolation or recent contact from unwanted contact and recognize their lands and territories. See: Organization of American States General Assembly, American Declaration on the Rights of Indigenous Peoples, 15 June 2016, AG/RES. 2888 (XLVI-O/16), accessible at: <https://www.oas.org/en/sare/documents/DecAmIND.pdf>.

¹⁰ Gonzales, Jenny, “Brazil dismantles environmental laws via huge surge in executive acts: Study,” *Mongabay*, 5 August 2020, accessible at: <https://news.mongabay.com/2020/08/brazil-end-runs-environmental-laws-via-huge-surge-in-executive-acts-study/>.

government take advantage of the moment to “run the cattle herd” through the Amazon, “changing rules and simplifying environmental standards,” indicating that the Bolsonaro administration should ease the way for agribusiness and mining.¹¹ For instance, Proposed Law 2633/20, known as the “land-grabbers law,” would allow non-indigenous landholders to quickly obtain recognition of the lands they claimed, even before indigenous communities who actually own the land could make their claims.¹² Together with Bolsonaro’s refusal to homologate indigenous territories, these laws would seek to effectively deny or nullify indigenous land rights, leading to more violence, killings, and environmental destruction as invaders seek to claim these lands. Perhaps convinced that the administration is on their side and emboldened by the chaos of the pandemic, illegal miners, loggers, and land-grabbers are invading legally demarcated indigenous territories in search of new lands to exploit for mining exploration and agribusiness without regards to the human and environmental consequences.

In response to international pressures, the government promised to protect the Amazon, such as deploying the armed forces to combat deforestation¹³ and a government-mandated moratorium on fires in the Amazon,¹⁴ however, there are many reasons to anticipate that the Amazon could face another huge surge of forest fires. Deforestation rates, driven by illegal land invasions and seizures, are a likely indicator of the intensity of the fires during the dry season, during which fires are deliberately started by farmers and ranchers in order to clear felled trees for large-scale cattle grazing and agriculture. Already, in the first half of 2020, deforestation rates in the Amazon were the worst on record, with 1,185 square miles lost.¹⁵ Data from Brazil’s National Space Research Institute (INPE) shows that deforestation increased 34.5% between August 2019 and July 2020. Furthermore, INPE researchers detected 2,248 fires in the Amazon in June – the highest number of fires recorded in the month of June since 2007.¹⁶ In the first ten days of August, there were more than 10,000 recorded fires, up 17% from the same period last year.¹⁷ Experts warn that the air pollution from the smoke of the fires could exacerbate COVID-19, not only in Brazil but worldwide. According to NASA, the fires have been releasing hazardous concentrations of

¹¹ Jones, Daniel, “The Urgent Need to Break from Herd Mentality,” *Feedback*, 29 May 2020, accessible at: <https://feedbackglobal.org/the-urgent-need-to-break-from-herd-mentality/>.

¹² Fearnside, Philip, “Brazil’s Land-Grabbers Law Threatens Amazonia,” *Mongabay*, 25 May 2020, accessible at: <https://news.mongabay.com/2020/05/brazils-land-grabbers-law-threatens-amazonia-commentary/>.

¹³ Simões, Eduardo, and Spring, Jake, “Brazil to deploy troops to protect Amazon as deforestation surges,” *Reuters*, 29 April 2020, accessible at: <https://www.reuters.com/article/us-brazil-environment/brazil-to-deploy-troops-to-protect-amazon-as-deforestation-surges-idUSKBN22B2CC>

¹⁴ Carvalho, Daniel, “Brazilian Government Bans Fires in the Amazon and Pantanal for 120 Days,” *Folha de S. Paulo*, 17 July 2020, accessible at: <https://www1.folha.uol.com.br/internacional/en/scienceandhealth/2020/07/brazilian-government-bans-fires-in-the-amazon-and-pantanal-for-120-days.shtml>.

¹⁵ Pedroso, Rodrigo, and Darlington, Shasta, “Brazil registers most Amazon fires for the month of June since 2007,” *CMN*, 1 July 2020, accessible at: <https://www.cnn.com/2020/07/01/americas/brazil-forest-fires-amazon-intl/index.html>.

¹⁶ *Ibid.*

¹⁷ Phillips, Dom, “Brazil experiences worst start to Amazon fire season for 10 years,” *The Guardian*, 13 August, 2020, accessible at: <https://www.theguardian.com/environment/2020/aug/13/brazil-experiences-worst-start-to-amazon-fire-season-for-10-years>.

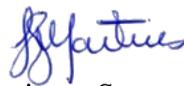
carbon monoxide in South America and in the Atlantic and Pacific oceans.¹⁸ Bolsonaro has responded by denying the data and calling the fires a lie.¹⁹

To conclude, we wanted to take this opportunity to call your attention to the very serious, urgent and dangerous situation indigenous peoples in the Brazilian Amazon face within the context of the COVID-19 and under the current administration of the Brazilian government. We hope that this letter gives you the information you need to do all you can to guarantee the protection of the rights of indigenous peoples in Brazil. We are available to answer any questions you have.

Yours respectfully,



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¹⁸ Flis, Andrej, “The Amazon rainforest is being set on fire, with wildfire smoke circulating the hemisphere,” *Severe Weather Europe*, 15 August 2020, accessible at: <https://www.severe-weather.eu/news/amazon-wildfire-smoke-hemisphere-fa/>.

¹⁹ Wood, Vincent, “Brazil’s Bolsonaro calls Amazon fires a ‘lie’ despite surges in blazes,” *The Independent*, 13 August 2020, accessible at: <https://www.independent.co.uk/news/world/americas/brazil-amazon-rainforest-fires-jair-bolsonaro-environment-a9667766.html>.