

**Comissão Nacional de Terra Guarani Ywy Rupa**  
**Comissão de Terra Guarani do Rio Grande do Sul**  
**Cacique Geral Mbyá-Guarani Mburuvitxa Tenondé do RS**  
**Comissão Guarani Catarinense Nhemonguetá**

Porto Alegre, 2 July, 2008

A: Procuradoria Geral da República

6ª Câmara

Dr. Débora Duprah

By means of this document we denounce irregularities of the Mandate of Reintegration of Possession (Process 165/1.08.0001027-9) executed on the first day of July, taken to the court by FEPAGRO - Fundação Estadual de Pesquisa Agropecuária junto à Secretaria de Agricultura e Abastecimento do RS (State Foundation of Agricultural Research together with the Secretary of Agriculture and Water Resources of RS) and granted by Judge Luciane Di Domenico, of the Judiciary Power of the State of the District of Eldorado do Sul, RS.

On the first day of this July, the Judiciary Power of RS, the Military Brigade and the State Foundation of Agricultural Research (FEPAGRO) prosecuted violent action on indigenous families of the Mbyá-Guarani ethnicity, camped on the strip of domain of the street Arroio do Conde, in the Municipality of Eldorado do Sul (RS).

The first arbitrariness was executed by the Court that did not previously inform the theory of the action to the competent organs for the indigenous question in the country, that being at the Federal level (FUNAI- National Foundation of the Indian and Prosecutor of the Republic, Federal Public Ministry (Fundação Nacional do Índio e Procuradoria da República, Ministério Público Federal)) and at the State level (CEPI- State Council of Indigenous Peoples, Secretary of Justice), neither the Guarani who were there.

The Military Brigade, with moral support of an Official of the Court, guaranteed the execution of the Action in spite of the decision being destined to a group of the Kaingang ethnicity. And the same, being aware that the community impacted was Mbyá-Guarani, continued with the eviction.

Another irregularity that we point to is the fact that the Mbyá-Guarani were camped OUTSIDE of the property that was the object of the Action, in view of the fact that the families were lodged on the public domain strip of the Estrada do Conde.

The Mbyá-Guarani requested, from the beginning of the operation, the presence of the FUNAI and Federal Public Ministry, which is known to be their Right. The Military Brigade and the Court Official executed the Action in collusion with administrators and employees of FEPAGRO. In spite of the recommendation of the Regional Administrator of FUNAI, João Alberto Ferrareze, that action not be executed prior to the arrival of a representative of this organ.

There is also the lamentable participation of the Municipal Prefecture of Eldorado do Sul, which mobilized the Social Children Care to intimidate the Mbyá-Guarani by threat of taking the children, in the case of there being maintained resistance to removal. The Prefecture also ceded a bus and a truck by which the Guarani and their belongings were taken to be discharged in another municipality.

The report of Mbyá children and women and the scenes of this episode recorded on video by the team from NIT - Núcleo de Antropologia das Sociedades Indígenas e Tradicionais e do LAE - Laboratório de Arqueologia e Etnologia da UFRGS, are conclusive proof of the violence perpetrated by agents of the State Public Power over the originary rights guaranteed by the Federal Constitution in the articles 231 and 232, Convention 169 of the ILO and Universal Declaration of Rights of Indigenous Peoples of the United Nations. The statements and images recorded are also proof of the abuse of authority that still persists in these institutions. The episode profoundly marked the Mbyá-Guarani children, men and women, because the Cacique Santiago Franco was handcuffed and contained within a vehicle.

In light of these facts, we request of the competent organs that they engage appropriate actions, in the various national and international instances, against the State of Rio Grande do Sul/FEPAGRO, principally as refers to the damages of material and moral infringement to the Guarani community in question. We understand that Judge Luicane Di Domenico also has responsibility for these damages and, thus, we solicit the judgment of her performance in the Federal Regional Court of the 4<sup>th</sup> Region.

Thank you for the attention,  
We await responses to our concerns.

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