

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
Promoting human rights by protecting those who defend them

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Wednesday, August 13, 2014

**H.E. Ms. Dilma Rousseff, President of the Federative Republic of Brazil**

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Dear President,

**Re : Death Threats against Indigenous Leader Mr. Davi Kopenawa**

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

I am writing, as a member of LRWC, in response to information obtained indicating that Mr. Davi Kopenawa, shaman, internationally renowned spokesman for the Yanomami tribe in the Brazilian Amazon rainforest and chairman of the indigenous rights organization Yanomami Association Hutukara (Hutukara Associação Yanomami - HAY), has been receiving death threats from gold miners and farmers.

According to information received, in May 2014, the Director of HAY, Mr. Armindo Góes, received a message from gold miners that Mr. Davi Kopenawa would “not be alive by the end of the year”. This threat was allegedly conveyed after Mr. Kopenawa's successful campaign against gold mining in the Yanomami territory. As a precaution, HAY decided to restrict the activities and movement of its chairman.

In June 2014, two armed men on motorbikes entered the headquarters of the Socio-Environmental Institute (Instituto Socioambiental - ISA) in the city of Boa Vista, an organization that works closely with the Yanomami, asking for Mr. Davi Kopenawa. The men threatened ISA's staff with guns and stole computers and other equipment. One of the perpetrators was subsequently arrested and reported that he had been hired by gold miners.

On 28 July 2014, Mr. Davi Kopenawa lodged a formal request to the Federal Police of the State of Roraima, asking for urgent protection for himself, his son and colleagues after receiving a series of death threats by armed thugs reportedly hired by gold miners operating illegally on Yanomami land. It is reported, however, that Mr. Kopenawa has yet to receive police protection.

Reports indicate that unknown men on motorbikes have been seen repeatedly prowling around the headquarters of HAY and ISA and heard asking for Mr. Davi Kopenawa.

LRWC believes that these death threats are made to silence Davi Kopenawa and to prevent HAY, ISA and Mr. Kopenawa from continuing their activities to stop illegal mining on Yanomami lands. HAY has been cooperating with the investigations of illegal mining on Yanomami lands by FUNAI (the Brazilian National Indigenous Foundation) and the Brazilian Federal Police. Key information provided by HAY (about the locations of illicit operations and the identity of suspected perpetrators) resulted, in July 2012, in the operation Xawara by the Federal Police, which led to the arrest of pilots and owners of ferries and of jewelry stores.

The efficacy of HAY's work has exposed its chairman, Mr. Davi Kopenawa and HAY staff to grave risks that hamper their work and endanger their safety. Mr. Kopenawa has dedicated his life to attaining the demarcation of Yanomami lands and to removing illegal gold mining from indigenous lands. Mr. Kopenawa's work which includes assisting in the creation of: the first Indigenous Health District (Distrito de Saúde Indígena - DSEI) in 1992; a pedagogical project specific for the Yanomami people; and, the Yanomami Association Hutukara, has been recognized both nationally and internationally.

These threats against the life of Mr. Davi Kopenawa and the intimidation of staff are an alarming signal of very serious efforts to put an end to his human rights activities aimed at protecting the rights of indigenous people in Brazil. These threats follow his successful fight for the demarcation of the Yanomami territory to protect it from illegal incursions, namely from gold miners. Indeed, in February 2014, the Government of Brazil launched, in collaboration with HAY, a major operation to evict hundreds of illegal gold miners and to destroy mining infrastructure from Yanomami land.

The acts of intimidation of Mr. Kopenawa and of people working with HAY and ISA and the death threats against Mr. Kopenawa constitute grave violations of the *Brazilian Constitution*, which establishes that "All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property" (article 5).

In addition, as a representative of the Yanomami indigenous tribe, Mr. Kopenawa is entitled to special protection by the State, as provided for by the *Statute of the Indigenous Person* (Federal Law n. 6001, of 19 December 1973), which determines that the State has the duty to protect indigenous communities and preserve their rights (article 2).

Failure to protect Mr. Kopenawa and to investigate the threats against him would also constitute an egregious breach of Brazil's international law duties to ensure the right to life and other protected rights of all persons within its territory and to investigate and punish violations. These legal duties arise from the *International Convention on Civil and Political Rights* (ICCPR), ratified 24 April 1992 and other instruments.

As a member of the United Nations, Brazil is bound to respect the *Universal Declaration of Human Rights*, which states that "Everyone has the right to life, liberty and security of person" (article 3).

Furthermore, the *Declaration on Human Rights Defenders*, adopted by the General Assembly of the United Nations on 9 December 1998, obliges Brazil's government to conduct a prompt, impartial and effective investigation of the shocking threats made against Mr. Kopenawa (article 9.5) and to protect him in the practice of his activities (article 12.2).

The *Declaration on the Rights of Indigenous Peoples*, adopted by the General Assembly on 13 September 2007, determines that "Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person" (article 7.1).

The duties to guarantee the physical safety of Mr. Kopenawa, to prevent violations of his rights to life and security of the person, and to investigate and punish violations of his rights, also arise from Brazil's obligations as a member of the Organization of American States, namely from the *American Declaration of the Rights and Duties of Man*, adopted by the Ninth International Conference of American States in Bogota in 1948, which contains similar provisions as the ICCPR and the *Universal Declaration of Human Rights* with regard to the right to life.

Also at the regional level, the *American Convention on Human Rights*, ratified by Brazil on 9 July 1992, establishes that "Every person has the right to have his life respected. This right shall be protected by law (...)" (Article 4). The Convention further determines that States Parties undertake to develop the possibilities of judicial remedy for individuals who suffer violations of their fundamental rights and to ensure that the competent authorities enforce such remedies when granted (article 25.2(b) and (c)).

Given the seriousness of the facts described above, LRWC respectfully calls on the government of Brazil to take swift and effective action to ensure:

1. the present and future physical safety and psychological integrity of Mr. Davi Kopenawa and of other human rights defenders working to protect the Yanomamis including people working with HAY and ISA;
2. effective protective measures immediately for Mr. Davi Kopenawa;
3. that Mr. Kopenawa and other human rights defenders are able to carry out their legitimate activities without any hindrance or fear of reprisals or intimidation;
4. an immediate, thorough, impartial and transparent investigation into the threats and intimidation against Mr. Davi Kopenawa in order to identify those responsible and to hold the perpetrators accountable through a process of prosecutions and trials. .

Finally, LRWC respectfully requests the results obtained through the investigation to be made public and for those responsible to be brought to justice.

LRWC awaits your response. Thank you for your attention to our concerns.

Sincerely,



Luiza Teixeira, LLM  
LRWC Brazil Monitor

Copied to:

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