

Protests under threat



BRAZIL: Indigenous peoples and the right to protest

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Cover: riot and military police's presence and actions during *Levante pela Terra* in June 2021 (Photo: Oliver Kornblihtt/Mídia NINJA)

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Acronyms and initialisms

- ABIN** Agência Brasileira de Inteligência (Brazilian Intelligence Agency)
- ANDES** Associação Nacional dos Docentes das Instituições de Ensino Superior (National Union of Teachers of College Education Institutions)
- APIB** Articulação dos Povos Indígenas do Brasil (Brazil's Indigenous Peoples' Articulation)
- CDH-OAB** Comissão de Direitos Humanos da Ordem dos Advogados do Brasil (Human Rights Commission of the Brazilian Bar Association)
- CIMI** Conselho Indigenista Missionário (Missionary Council for Indigenous Peoples)
- CNBB** Conferência Nacional dos Bispos do Brasil (Brazilian National Conference of Bishops)
- DEM** Partido Democratas (Democrats Party)
- FAB** Força Aérea Brasileira (Brazilian Air Force)
- FUNAI** Fundação Nacional do Índio (National *Indian** Foundation)
- IACHR** Inter-American Commission on Human Rights
- IAHRS** Inter-American Human Rights System
- IBAMA** Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (Brazilian Institute of Environment and Renewable Natural Resources)
- INCRA** Instituto Nacional de Colonização e Reforma Agrária (National Institute of Colonisation and Agrarian Reform)
- ISA** Instituto Socioambiental (Socio-Environmental Institute)
- LSN** Lei de Segurança Nacional (National Security Law)
- MPF** Ministério Público Federal (Federal Prosecutor's Office)
- NGO** Non-Governmental Organisation
- PL** Projeto de Lei (Bill of Law)
- PMDF** Polícia Militar do Distrito Federal (Military Police of Federal District)
- PSOL** Partido Socialismo e Liberdade (Socialism and Freedom Party)
- PT** Partido dos Trabalhadores (Workers' Party)
- RE** Recurso Extraordinário (Extraordinary Appeal)
- REDE** Rede Sustentabilidade (Sustainability Party)
- SEMAS** Secretaria de Estado de Meio Ambiente e Sustentabilidade (Secretary of State for Environment and Sustainability - Pará)
- SPI** Serviço de Proteção ao Índio (*Indian** Protection Service)
- STF** Superior Tribunal Federal (Brazilian Supreme Court)
- UN** United Nations
- UN-HRC** United Nations Human Rights Committee

*See box "We must call them indigenous!" on page 14.

Introduction

This report presents three case studies that highlight the systematic persecution and discrimination of Brazil's indigenous groups and individuals. By unveiling a pattern of violation of the right to protest, these cases are emblematic of a broader context of human rights abuse against country's traditional populations¹. On the pages to follow, we examine human rights violations from two perspectives: structural/historical and junctural/contemporary. From a structural frame, we demonstrate that the abuse of indigenous human rights is a long-standing and systematic process. Since the colonial period, indigenous peoples have never fully achieved the right to their lands, which is symptomatic of a broader context that marginalises, abuses, and discriminates against them. From a junctural frame, we examine how this historic process becomes exacerbated at the present as a result of the former Jair Bolsonaro administration, which was routinely marked by violations of indigenous' rights. As it has been denounced in several international contexts of infringement, the Brazilian State is the chief violator of human rights. However, the innovation of this report is to highlight how the state "outsources" – to private actors – its monopoly on the use of physical and coercive force.

These problems gain new contours when traditional populations protest to preserve their rights. We argue that the intimidation and repression that indigenous peoples faced in recent protests and campaigns are the tip of an iceberg of these structural and junctural processes – and that is why they are emblematic. They are exemplary of long-standing suffering and abandonment, which become dramatic under an illiberal government. All in all, the cases reveal: intimidation, censorship, self-censorship, persecution, violent repression, hate speech, and social discrimination. These violations were committed by public and private actors in a fine tune.

Initially, we present a context of indigenous rights, struggles, and grievances. Afterwards, we analyse how these processes result in social discrimination (stigma) led by the Brazilian government – a process that enables us to argue that stigma became part of state policy. Subsequently, we provide a panorama about the Brazilian legal framework regarding the right to protest. For that purpose, we present a set of legislation enacted in Brazil to regulate the right to protest and peaceful assembly, decrees, and past legal decisions that help envision the extent of protection/violation of the right to protest. After that, we introduce emblematic human right violations case studies:

- **Case 1** is on the Munduruku people.

The case shows the constant attacks on the Munduruku people, culminating in the fire-setting act to the activist **Maria Leusa Munduruku**'s house.

- **This attack unveils a series of other threats, violent intimidation, and the curtailment of Munduruku's freedom of speech and the right to protest. It is worth noting that private actors, empowered by the State, played a fundamental role in this case.**

- **Case 2** contextualises recent protests that took place in Brasília² in 2021, named Levante pela Terra (Rise for Land) and Levante pela Vida (Rise for Life).

- **In these protests, we report violent repression by police force, intimidation by public actors, and molecular and pulverised forms of aggression by ordinary citizens/civilians. This overall scenario of violent results, to a certain degree, impacted the indigenous' self-censorship and fear of joining new protests.**

• Finally, we discuss **Case 3**, which deals with political persecution and intimidation of the indigenous leader **Sonia Guajajara**, when she was investigated for crimes under the Lei de Segurança Nacional (LSN - National Security Law) as a terrorist threat to the nation.

- **This individual case illustrates the persecution that indigenous activists have suffered in recent years.**



Methodological and political notes

The cases presented in this report follow the guidelines for research on Human Rights defined by ARTICLE 19.

These guidelines were applied to the dataset collected from 25 in-depth and 10 compact interviews with representatives of indigenous peoples and supporters of various sectors of society, including journalists, lawyers, government authorities, anthropologists, representatives of indigenous peoples from different regions of the country, representatives of indigenous youth, and representatives of associations and organisations that support indigenous peoples.

We do not cite all interviews here. We selected excerpts that could provide context and/or evidence of the conflicts. All interviews were conducted observing ethical procedures. Respondents are identified by numbers assigned in random order (the related numbers will be shown in parenthesis). Quotes of statements with the identification of names are only public, especially on social networks, by the subjects involved in the cases. The documents that may reveal personal data and expose respondents to any risks are identified by “DOC” followed by a random number. We adopted this procedure to preserve the physical, image, and moral integrity of the activists who – amid the largest indigenous mobilisation in the country – shared their time to provide us with long and detailed interviews, patiently explaining the complexity of the indigenous issue in Brazil.

It is noteworthy that during the three months of this research, the Brazilian situation intensified social conflicts and democratic erosion. The **Levante Pela Terra** in June and **Levante pela Vida** in August, followed by **Indigenous Women March** in September, were central to the mobilisation of society in support not only for the rights of indigenous peoples but for democracy in 2021. Therefore, the process of conducting the interviews was interrupted for approximately five weeks, as most of our interviewees were actively participating in the mobilisations in Brasília.

We also relied on a vast amount of data, information, police reports, public prosecution ministries bulletins, and other materials that are available on the websites of the *Articulação dos Povos Indígenas do Brasil* (APIB - Brazil's Indigenous Peoples' Articulation), *Conselho Indigenista Missionário* (CIMI - Missionary Council for Indigenous Peoples), *Instituto Socioambiental* (ISA - Socio-Environmental Institute), and the Amazônia Real journalism agency. We also used textual and audiovisual materials, statements, among many others that were published on social networks, especially Twitter and Instagram.

We draw from the framework adopted by ARTICLE 19 around the concepts of protest and stigma to map the information collected. We seek to combine the understanding of these concepts with the way they appeared in our empirical research, namely the indigenous peoples' perspectives.

The selection of the cases presented in this report considered the following criteria:

- Scope and availability of information of public interest;
- Themes articulated to the agendas of the struggles of indigenous peoples on a national scale;
- Framework in the thematic guidelines of this research for ARTICLE 19;
- Situations that allowed to reveal cases of stigma, prejudice, and violation of the right to indigenous protest;
- The cases evidence the connection between democracy and human rights.

The purpose of this report is not to exhaustively debate the issues surrounding the cases; this would not be possible and would run away from our possibilities due to the time and resources, physical and human, and the fact that the research faced the challenge of being carried out during the COVID-19 pandemic.

A brief note on “indigenous protests”

In Brazil, the idea of protest in the dimension of indigenous peoples’ agendas needs to be enlarged because it has singular meanings. An anthropologist (10) expert in indigenous protests pointed out:

“ Indigenous experiences of struggle serve to broaden our conception of protest. Our conception of politics is also our political imagination. They always invite us to extend, broaden, and bring other things into politics and protests. For example, the act of land self-demarcation, we can see it as a fighting strategy, or, if you also want to call it a protest strategy, like others that are carried out within their territories.

The same anthropologist (10), a public servant from the Public Prosecution Ministry responsible for protecting traditional peoples’ rights in the state of Tocantins (06), and a journalist that covers Amazon related topics (08) told that the Western notion of protests does not fit indigenous struggles for rights. They were referring to the imagery of demonstrations in which individuals take the streets and march together with posters, for example. Although the *Levante pela Terra* can be framed within this category of demonstration/occupation, most of interviewees stated that indigenous acts of resistance occur predominantly in a small scale, in distant areas from the urban centres, being invisible to the mainstream media. They can be creative – e.g., the act of land self-demarcation – or confrontational, such as setting fire on land invaders’ machines. These confrontational acts could be interpreted merely as a form of social conflict – not a protest. Yet, our interviewees were unanimous saying that this is how indigenous people traditionally resist to protect their lands and lives. The *Levante pela Terra* is the very last resource to achieve visibility.

The interviewees also mentioned that the idea of “emblematic case study” focused on an individual goes against indigenous people’s collective principles. During our interviews, we asked several times about specific individuals that could be emblematic of a wider pattern of violence. Our indigenous respondents disagreed about this individual approach.

Context: past and present of indigenous struggles and abuses suffered by them

The indigenous peoples' struggle for land is not a new phenomenon in Brazil. Indigenous struggles for rights have been part of nation-building since the colonial period.

The trauma of the colonial structure and the territorial division persists in the present, perpetuating a collective memory across generations that recalls the extermination of the traditional population. Thus, indigenous peoples' right to protest is fundamentally linked to the issue of land expropriation and genocide. These past experiences still mark the daily lives of peoples in the present, operating as a trigger to protest, especially under multiple threats posed by the far-right Bolsonaro administration.

The right to land is a structuring element in indigenous people's existence and in the preservation of their modes of life, culture, and beliefs. According to APIB, there are 305 indigenous groups in the country. They speak more than 274 languages. From these groups, 114 are isolated or have had recent contact. Indigenous peoples inhabit 1,298 indigenous lands, with 408 lands already legalised and 829 are in regularisation.

The urgency for the regularisation of indigenous lands is still one of Brazil's unfinished and most central issues. However, political and economic interests prioritise the exploitation – predominantly illegal – of natural resources. Those interests have become more aggressive since the election of Bolsonaro in 2018. The pro-mining lobby, illegal logger activities, and illegal

exploitation of natural resources had been widely incentivised by official propaganda. The stigmatisation of indigenous peoples used to appear in governmental public declarations during his administration. The anti-indigenous rights agenda is a systematic process that has been occurring since 2019. The lack of legal provision by those institutions that should protect indigenous rights led organisations to mobilise different types of resistance. The first mechanism of resistance is protesting in Brasília, the federal capital – as this report will analyse. The second mechanism of resistance is seeking international attention through campaigns or appeals in the International Court that denounce Bolsonaro administration as genocide³. See the example below from CIMI:

On the date that marks the International Day of Indigenous Peoples, the organisation requests that the prosecutor of the court in Hague examine the crimes committed against indigenous peoples by President Jair Bolsonaro, since the beginning of his term, January 2019, with attention to the period of COVID-19 pandemic. [...] The dismantling of public structures for social and environmental protection and indigenous peoples triggered invasions in Indigenous Lands, deforestation and fires in Brazilian biomes, increased 'garimpo' and mining in the territories.

indigenous peoples from having access to their most basic rights and claims.

In the context of Brazil's New Republic (1985 onwards), which began at the end of the civil-military dictatorship, the year 2021 marks a momentum of indigenous peoples' protagonism in the struggle for their territorial, cultural, and linguistic rights and the defence of their right to exist. With the organisation of *Levante Pela Terra* (June) and *Levante pela Vida* (August), indigenous peoples from different regions marched to Brasília in one of the most critical moments of social activism in Brazilian history since the mobilisations for the country democratisation in the 1980s. These protests sparked national and international attention, especially because they were brutally repressed.

Both *Levante pela Terra* and *Levante pela Vida* occurred in a scenario of increasing tensions between indigenous people and the federal government due to the judgement of the **Marco Temporal** (Temporal Milestone) Bill. The *Levante pela Terra* expresses the first movement of protest in Brasília, initiated by the Kaingang people (from southern states), but numerous other indigenous people from different regions joined them. The aim of the protesters was to interrupt the judgement of the *Recurso Extraordinário* (RE - Extraordinary Appeal) no. 1.1017.365, presented to the *Superior Tribunal Federal* (STF - Brazilian Supreme Court) that affects general indigenous demarcation of land. This judgement coincided with the analysis of the *Projeto de Lei* (PL - Bill of Law) no. 490,

Indigenous rights were promulgated by the Federal Constitution of 1988, which is the milestone of Brazil's post-dictatorship democratisation process. However, they have never been thoroughly secured. Indigenous peoples had always struggled for their rights, risking and losing their lives in such a process. The *Partido dos Trabalhadores* (PT - Workers' Party) administration (2003-2016) maintained an ambiguous relationship with the traditional population. On the one hand, they considered indigenous people an important ally of a popular government. On the other hand, PT undertook projects of drastic environmental and social impact, such as the construction of the Belo Monte dam that drastically impacted the communities living near Xingu River.⁴ However, it is **noteworthy that the persecution, extermination, and eviction of indigenous peoples from their lands is exceptionally more intense now, both in terms of practice and discourse.** This escalating hostility is the reason for a new wave of indigenous protests, especially since 2019. Most of our interviewees demonstrated how the channels of dialogue and negotiation with the federal government have been entirely closed. In addition, there is an ongoing militarisation of Brazilian indigenous institutions that prevent



The statement "BRAZIL, INDIGENOUS LAND" illuminated Brasília's main square on 24 August 2021 (Photo: Scarlett Rocha/APIB)⁵

presented to Brazilian Congress in 2007. Both EA 1.1017.365 and PL 490 discuss the *Marco Temporal* thesis, which aims to prevent indigenous populations from having their lands recognised by limiting lands only to those who occupied or contested in court by 5 October 1988 – the day of the promulgation of the Brazilian Federal Constitution. As a result of the rise of the analysis of *Marco Temporal*, indigenous people decided to return to Brasília in August.

At the present, STF has been deciding the constitutionality of the Bill considering the Brazilian Constitution, which recognises the right of indigenous peoples to "lands

that they traditionally occupy". Therefore, the title of this report follows the agenda of indigenous mobilisation summarised by the statement "Brazil, indigenous land" that illuminated Brasília's main square on 24 August 2021 (image 1). The right to land is a central point of small and less visible protests and acts of resistance that run in all Brazilian states every day. These daily protests were the core demands raised in both *Levantes*. They were claiming the right to exercise ownership over their lands and the repudiation of the establishment of legislation that violates the process of demarcation and recognition of indigenous lands.

Stigma and discrimination by state actors

Indigenous people became a key target of persecution under the Bolsonaro administration. We argue that stigma is now part of state policies. Official institutions have declared that indigenous people do not deserve their rights because these groups would supposedly be acculturated and, therefore, less authentic.

However, to understand how stigma becomes a state policy, it is crucial to highlight that such stigma meets institutional, political, and economic interests – oriented by economic lobby –, stimulating illegal activities in indigenous lands. This situation is illustrated in one of the first Bolsonaro's government act to control the official indigenous institutions, as registered by a journalist⁶ in an article that recalls the main institutional acts of government against indigenous people:

With a stroke of the pen, a few hours after the presidential inauguration ceremony, Bolsonaro decreed that the powers of FUNAI were to be drained off and called into question the demarcation of new indigenous lands and the conservation of the environment. [...] Bolsonaro delegates the task of demarcating new indigenous lands to the Ministry of Agriculture, headed by Tereza Cristina (DEM). Cristina was a leader of the agribusiness network in the Congress, and she was known as the "poison muse" [referring to pesticides].

The *Fundação Nacional do Índio* (FUNAI - National Indian Foundation) is one of Brazil's most essential and historically consolidated indigenous institutions. FUNAI develops indigenous social policy to maintain and protect indigenous social systems across the country. The militarisation led by Bolsonaro's government represents a sharp swerve of ideological, political, and social policies to institutional acts concerning indigenous people.

Political declarations that distort the reality of indigenous peoples have a real effect on inciting, and mobilising attacks on these peoples is something predominant among the subjects we interviewed. According to a state attorney (17):

“ Since the first day of government, president Bolsonaro has already expressly adopted a line contrary to the rights of traditional peoples, and already affirming some common senses that are actually mistaken, that the indigenous people want to live like us and such, and disregarding a whole plurality of ways of life that we can identify when dealing with these populations.



Alice Pataxó
@alice_pataxo

Pra ser sincera, me sinto cansada, sempre preocupada, ver nosso povo sofrer assim é doloroso, triste, já passamos por muita coisa ruim, mas nunca foi tão claro o ódio, a violência.

10:58 PM · 21 de nov de 2021

63 Retweets · 1 Tweet com comentário · 1.075 Curtidas

Alice Pataxó on Twitter (21/11/2021; image: reproduction)⁷: “To be honest, I feel tired, I am always worried, watching our people suffer like that is painful, sad, we have already gone through a lot of bad stuff, but the hatred and violence have never been that clear.”

On 21 November 2021, Alice Pataxó, a prominent young indigenous activist, tweeted about feeling tired and worried. She added that “the hatred and violence have never been that clear”. Several interviewees (1, 2, 3, 8, 9, 10, 23) reported that a consequence of this permanent abusive and stigmatising official practices is the feeling of exhaustion, intimidation, and fear. Still, these emotions do not prevent indigenous people from protesting, but the opposite: mobilising protests and campaigns are the last resource to be deployed in the struggle for land, survival, and recognition.

Institutional stigma act needs social legitimisation. Consequently, the stigma plays a key role in political mobilisation against indigenous people. State authorities try to demoralise indigenous traditions by arguing that they wish to “participate” in urban society. The stigmatisation of indigenous peoples and their forms of protest in Brazil is an instrument of human rights violation that often acts subtly and underground, generating immense damage to the existence of indigenous peoples and their right to autonomy and preservation of the multiple faces of its cultural practices. The stigmatisation usually appears by narratives that make indigenous people look



ridiculous, innocent, or usurper – people who need to be modernised and included in urban societies. For example, on 20 April 2021, during a protest in Brasília led by indigenous people against illegal mining, the former minister Ricardo Salles “published three photos of indigenous people *with cell phones in their hands and wrote that ‘we received a visit from the iPhone tribe’*”.⁸

As the case on Munkuruku will show, illegal miners and loggers, for example, incentivise internal division within indigenous peoples, corrupting their internal dynamics (interviews 8, 10). The quotes below illustrate Bolsonaro’s systematic actions against indigenous people. They were in part compiled by Survival,⁹ a Non-Governmental Organisation (NGO); others were collected by us. They make clear how stigma is mobilised as the primary form of action to open room for institutional changes:

“ Our **indians**, most of them, are condemned to live like prehistoric people within our own country. This situation must change. The indian wants to produce, plant, and want the benefits and wonders of science and technology. We are all Brazilians.

” - *Agência Lupa/Piauí*, December 2019¹⁰

“ With all certainty, the **indian** has changed. They are evolving. The indian is increasingly a human being just like us.

” - *UOL Notícias*, January 2020¹¹

“ Captain Bolsonaro has already said that he does not enter what he understands to be a “babble of defending the land for the **indian**”.

” - *Outras Palavras/IHU*, February 2020¹²

“ “I hope that dream (...) comes true. The **indian** is a human being just like us. He has a heart, he has feeling, he has soul, he has desire, he has needs, and he is as Brazilian as we are”, said the president during the official ceremony in which he signed the text last Wednesday.

” - *Amazônia Real Agency*, June 2020¹³

“ In addition, Bolsonaro justified his absence at COP 26 by saying “an **indian** was taken there to attack Brazil”.

” - *Correio Braziliense*, November 2021¹⁴

We must call them indigenous!

In this report, the word “índio” was translated to “indian”. It is important to highlight that the word “índio” has a pejorative connotation in Brazilian Portuguese. That is because it reflects a designation given by Portuguese invaders who took indigenous lands by the time they arrived in Brazil’s territory. The indigenous movement defends the use of the word “indígena” (here translated to “indigenous”), which expresses the nativeness and originary position of those people in the territory. Throughout the report, where the word “indian” (“índio”) appears, it means it was transcribed according to what was said by the person interviewed or the source consulted. Saying the word “indian” (“índio”) produces a pejorative meaning effect, reflecting how indigenous people are still deeply stigmatised in the Brazilian society, and even by the institutions – the governmental agency FUNAI, by instance, was still using that expression until January 2023, in the change of Brazilian Federal Administration; and Jair Bolsonaro, the former president, used to repeatedly designate as “índio” every and any indigenous person. This report still maintains the prior denomination of the bureau once it was written during a moment (and reflects it) when indigenous peoples were unprotected, violated, and segregated – even so this is the background of the history of Brazil until nowadays.

Indigenous rights go against the interests of illegal miners and land grabbers, agribusiness, and soy monoculture. These interests cause the extermination of indigenous peoples in different regions of Brazil on an everyday basis:

According to geographer Antonio Ioris, there is a systemic character in the association between land grabbing and agribusiness: “agribusiness is intrinsically corrupt; there is the most evident and immediate corruption (as in the case of INCRA’s [National Institute of Colonisation and Agrarian Reform] actions and its control by farmers and land grabbers), but there is also long-term corruption, demonstrated in the violent appropriation and speculation of land, in the aggressiveness against squatters and Indians, and in socio-environmental destruction.”¹⁵

The impact of soy monoculture is understood as a form of pest for indigenous people, as a Munduruku leader argued:

The expansion of farm crops is linked to deforestation, a situation verified in official data – a survey by Semas [Secretaria de Estado de Meio Ambiente e Sustentabilidade - Pará; Secretary of State for Environment and Sustainability - Pará in English] pointed out ten deforestation alerts equal to or greater than 60 hectares only in the self-demarcated perimeter by the Munduruku from 2010 to 2015. “Soy is a pest for us. When it’s harvest time, they advance into our forest and are increasingly cutting down more”, says chief Josenildo Cruz, from the Açaizal village.”¹⁶

Stigma is a discourse shaped by institutions, landowners, arm lobbyists, and other sectors economically interested in exploiting natural resources. Despite the environmental devastation, this discourse seeks to divide indigenous peoples internally through intense moral and economic pressure and presents them as a supposed impediment to the country’s economic development. This type of stigmatisation also mobilises actions that violate human rights. A journalist and human rights activist interviewed by us (9)

pointed out: “there is a series of layers of this discourse that, in the end, it is also a form of serious violation of human rights, because you are attacking identities, ethnicities, culture, tradition, and way of life, language, the right to exist as they see fit”.

Demoralising quotes like Bolsonaro’s ones (aforementioned) are part of a national project that aims to open Amazon lands to illegal miners and loggers, promoting the devastation on a large scale. As The Guardian noticed: “[Brazil] is open to partnerships exploiting biodiversity and mining”.¹⁷ During the electoral campaign, Bolsonaro had already “promised to end demarcation of new indigenous lands, reduce the power of environmental agencies, and free up mining and commercial farming on indigenous reserves. His measure also gave the agriculture ministry power over new quilombos – rural settlements inhabited by descendants of former slaves”.¹⁸

According to a Greenpeace article, “[there is an] explosion of violence [against indigenous people] that reflects the anti-indigenous discourse of Bolsonaro’s government, which has a veritable obsession with opening up Indigenous Lands to mining. Instead of encouraging crime, Bolsonaro must combat deforestation and protect Indigenous Lands, which are proven to preserve the forest better”.¹⁹

In sum, stigma and economic interests are part of the project aiming to explore indigenous lands. To achieve this, human rights must be violated. As a response to this new political era in which indigenous people became an enemy of the national development project, many groups and individuals started organising national protests and international campaigns, provoking another layer of state violence – now marked by the denial of freedom of expression and the democratic right to assemble.

Legal context: court decisions and national-level legislation on the right to protest in Brazil

General Resolution no. 37 of the United Nations Human Rights Committee (UN-HRC), regarding the right to peaceful assembly, defines that the realisation of the right to assembly involves the responsibility of the State to comply with its obligation to respect, protect, and guarantee the exercise of the right to protest without discrimination.

Full recognition of the right to protest implies the need for demonstrations and meetings to take place freely, without undue interference, and in such a way as to ensure the protection and safety of their participants. This understanding of the responsibility of the State regarding the guarantee of the right to peaceful assembly is based on the definitions applied by the Inter-American Human Rights System (IAHRS). It has been used as a parameter at international and regional levels.

According to the “Protest and Human Rights” report²⁰ (Inter-American Commission on Human Rights - IACHR²¹), the relationship between political rights, freedom of expression, the right of assembly, and freedom of association makes it possible to assess the capacity of each State to implement its democratic principles. In this sense, the report indicates that ““while freedom of peaceful assembly, expression, association, and participation are not absolute, restrictions

on them should be subject to several requirements.” (IACHR, 2019, p. 16). Also, according to the document, the possibilities of restriction of the right to protest must be expressly described in national legislation. Furthermore, any possible limitation or prohibition on the right to protest must be justified by the need to ensure other rights, as determined by articles 13, 15, and 16 of the American Convention and articles 4, 21, and 22 of the International Declaration of Human Rights. In this sense, any authority that seeks to impose limitations or prohibitions on the peaceful assembly “must demonstrate that these conditions have been complied with and all of them must be respected simultaneously so that the limitations imposed on the social protest are legitimate following the American Convention” (IACHR, 2019, p. 17).

Brazil has currently a set of laws aimed at criminalising, preventing, or hindering protests. Violations against the right of peaceful assembly, as defined by General Comment no. 37 (2020)²² on the right of peaceful assembly, have resulted in episodes of violation of the right to protest. Some recent legislation produced in Brazil, such as the Anti-Terrorism Law, reinforced or expanded other legislation’s punitive and persecutory bias, such as the LSN (Law no. 7170/1983).²³

Based on these existing legislation and bills presented in Congress, it is possible to identify the understanding of the justice system regarding the right to protest of indigenous populations in Brazil. The legal analysis was carried out by investigating judicial decisions in Brazilian state courts and higher courts involving the right to protest of indigenous communities. This analysis makes it possible to identify the main arguments and trends of the Brazilian justice system on the subject, allowing the identification of possible human rights violations perpetrated against the right to protest of indigenous peoples in Brazil.

In addition to the review of judicial decisions in Brazilian states, the systematisation of the latest developments related to such restrictive legislation also allows us to understand the most recent disputes about the right to protest in Brazil.

You find below the central legislations and some of their most recent developments:

a) Brazilian National Security Law

Law no. 7170/1983, known as *Lei de Segurança Nacional* (LSN - National Security Law), was created during the period of the Brazilian civil-military dictatorship (1964-1985), establishing the “national security doctrine” and the logic of the “internal enemy” that based the persecution of civilians and political groups in Brazil during the period.²⁴ Still in the moment this study was conducted, the legislation was used widely by Bolsonaro’s government, reinforcing the closeness of the administration to an ideology linked to the authoritarian past of the country. In opposition, civil society and government political opponents sponsored changes to the National Security Law, aiming at its revocation.

The attempts to change LSN succeeded through the Bill of Law no. 2108/2021 (which aims to reissue PL 2462/1991). According to the report **“Nota Técnica - Projeto de Lei Substitutivo ao PL N. 2462/1991 – contribuições ao debate legislativo sob os parâmetros das liberdades de manifestação, associação e expressão”**, written by ARTICLE 19 Brazil and South America in 2021, this bill “re-edits in many ways some of the predictions of the current LSN that directly violated the freedoms of association, assembly and the right to protest, both essential for exercising the right to political participation”. With the approval of the bill, LSN was revoked, even though there are still some issues regarding the usage of National Security discourse against protesters in the new legislation.

b) Brazilian Anti-Terrorism Law

One of the reactions to the wave of protests that took to the streets in Brazil in 2013 was the drafting of bills to restrict the right to protest through the creation of legal definitions such as “terrorism” to criminalise the actions of social movements and acts of protest. In order to respond to pressures caused by the proximity of major sporting events in the country,²⁵ such as the World Cup in 2014 and the Olympic Games in 2016, the federal government, at the time, sponsored and managed to pass Law no. 13.260/2016 (“Anti-Terrorism Law”). The processing of the law showed, in addition to serious problems of lack of social participation, its criminalising character. Even after some passages that explicitly undermined the right to protest have been removed from the text, the legislation is still criticised for maintaining broad and disproportionate sanctions.

Since then, new bills have been proposed to broaden the definition of the crime of terrorism to include social movements and street protests²⁶, which include the Bills of Law: PL 5065/2016, PL 5825/2016, PL 9331/2017, PL 7669/2017, PL 7564/2017, PL 272/2016, PL 9604/2018, PL 9555/2018, PL 9858/2018, PL 9808/2018, PL 181/2018, PL 650/2019, PL 492/2019, PL 443/2019, PL 87/2019, PL 271/2019, PL 1595/2019, among others.²⁷

Bill no. 1595/2019 even establishes the creation of a parallel intelligence system with management concentrated in the National Executive. According to the report “Social and Political Crisis: Massive Protests In Brazil”, elaborated by ARTICLE 19 (2021), “seven UN [United Nations] Special Rapporteurs expressed concern about the processing of projects aimed at changing the Anti-Terrorism Law of 2016”.²⁸

c) Interministerial Decree no. 4226/2010

There is currently no federal legislation in Brazil to regulate the use of force by police in protests. According to the report “Protests in Brazil in June 2013” produced by ARTICLE 19,²⁹ the Inter-Ministerial Decree no. 4226/2010 determines the “Guidelines on the Use of Force and Firearms by Public Security Agents”. The decree, however, is not compulsory and does not cover the use of some types of weapons. Regarding the use of firearms, Annexe 1 of the Inter-Ministerial Decree determines that the police and public security agents “shall not fire firearms against persons, except in cases of self-defence or third-party self-defence against the imminent danger of death or serious injury”.³⁰

d) Judicial claim over the alleged use of “less lethal weapons” by indigenous protesters

As a reaction to the cycles of protests carried out by indigenous groups in 2021 in Brazil, due to judicial and parliamentary attempts to reduce the right of access of indigenous

peoples to lands claimed by them, a Brazilian Federal District’s prosecutor sought the justice in August 2021 to classify as less-lethal weapons like arrows, spears, and other elements of indigenous culture. The measure sought to frustrate the demonstrations that had been taking place in Brasília and block the *Marco Temporal* bill.

e) Brazilian courts decisions

The identification of judicial decisions made by state superior courts was carried out through access to online databases with decisions made available by each court. The investigation was carried out in the courts of the nine states that comprise the Brazilian part of the Amazon Forest: Acre,³¹ Amapá,³² Amazonas,³³ Maranhão,³⁴ Mato Grosso,³⁵ Pará,³⁶ Rondônia,³⁷ Roraima,³⁸ and Tocantins³⁹. All decisions rendered by the courts of these states between 1 October 2020 and 30 September 2021 were analysed based on the results gathered using the following keywords (Brazilian Portuguese versions in parenthesis): “Anti-Terrorism Law” + “indigenous” (*Lei Anti-terrorismo + indígenas*), “National Security Law” + “indigenous” (*Lei de Segurança Nacional + indígenas*), “indigenous demonstration” (*manifestação indígena*), “indigenous political act” (*ato político indígena*), and “indigenous protest” (*protesto indígena*).

Although the research did not identify any paradigmatic court decision regarding the violation of the state or public agents of the right to protest of indigenous populations in Brazil during the period analysed, the search results indicated a representative set of court decisions that deal with the violation of the environment and the right of indigenous peoples to their lands. Other decisions also dealt with allegations about actions taken by the Brazilian State or by the private sector that harmed indigenous communities, emphasising the actions of landowners and the construction of projects such as hydroelectric plants and industries.

CASE 1

Police violence in the protests in Brasília

Levante pela Terra (07 to 30/06/2021) and *Levante pela Vida* (22 to 28/08/2021) are a synthesis of a process of social upheaval around the restrictions of indigenous rights in Brazil that has been occurring since 2019. From the *Levantes*, it is possible to understand the stigma and the right to protest by indigenous peoples in the country. The breadth of the issues surrounding these themes justifies the size of the historic demonstration carried out by indigenous peoples between June and August 2021.

Through the urgency of mobilising around the judgement of the RE 1.017.365 and PL 490/2007, which directly affect the process of regularisation of indigenous territories in the country, a group of indigenous people from a village of the Kaingang took the initiative to go to Brasília to protest. According to an indigenous lawyer (22), “*Levante pela Terra effectively began with the mobilisation of Kaingang people, from southern Brazil. Because [...] we are the third-largest indigenous people in the country, but we inhabit the smallest lands, and soy monocultures invade these few lands that we have demarcated in southern Brazil, so the lands are illegally leased*”.

The mobilisation of the Kaingang revealed a series of violations of the right to assembly.

The arrival of the group in Brasília had to be reorganised in order to overcome the police repression. In Brazil, the ways to suppress protests start by making them unattainable from the most basic level, such as preventing the protesters

from moving around. These micro tactics attempt to weaken several protests and demonstrations that occurred in the past years. For example, in 2016, protesters against public cuts were prevented by police from reaching the congress. In 2021, anti-Bolsonaro demonstrators set up their inflatable balloon showing the face of the former president.⁴⁰

In the occupation in Brasília, several sources and interviewees reported such restrictions. According to a member (16) of CIMI,

“

There was initial information that four coaches from Rio Grande do Sul, Paraná, and Santa Catarina would come here to Brasília. They would arrive on Sunday. On Friday, we heard that they would not come anymore because the coach companies had refused to transport them for being afraid that the coaches would be attacked [...], but there was a village of the Kaingang people who had a school coach and a truck, and then they decided to come this way. They came with the school coach and the truck that transported their agricultural products.

”

The Kaingang group arrived in Brasília between 6 and 7 June 2020. They started preparing the camp, facing intimidation from Military Police.⁴¹ In Brazil, Military Police are the police of the states: they are the main ostensive police force at the state level and are responsible for policing and maintaining the public order. One of the members of the CIMI group (16) that welcomed the Kaingang in Brasília stated that: *“in this current government there is intimidation by the federal government itself, the district government, the Military Police have become more violent in this government, and they would hardly be welcomed to camp”*.

Even amidst the described situation, the indigenous peoples opted to establish the camp. According to the CIMI member (16), the protests *“began timidly with 72 indigenous people. There were more than 300 indigenous people in the following week, along with more than 500 people later. It reached almost 1,500 indigenous people camped in Brasília by the end of July”*. As an official note from Associação Nacional dos Docentes das Instituições de Ensino Superior (ANDES - National Union of Teachers of College Education Institutions) highlighted:

*During June, indigenous peoples from more than 50 peoples were in the federal capital, in the Levante pela Terra camp, to pressure the STF and parliamentarians in defence of their rights to life and territory. The PL 490/2007 was released in the Congress, which also stipulates adopting a time frame for the demarcation of lands and determining that indigenous lands be demarcated by law and that the decision rests with the National Congress and not more to the judiciary.*⁴²

As a result of the political scenario marked by tensions and repression, the interviewees mentioned that fear was a predominant emotion during the protests. However, as an indigenous lawyer (5) said, *“that does not mean the leaders will lower their heads”*. In addition, a journalist and human rights activist (9) mentioned that *“the indigenous movement [is] courageous concerning the repressive confrontation because, [in Brazil], they already faced centuries of confrontation, they are used to it”*. At Esplanada dos Ministérios (Esplanade of Ministries, a symbolic place to protest in the federal capital), while the tents were being set up, the police arrived. According to the CIMI member (16):

“ That was the moment when we had to call on all our partners, congresspeople, and human rights organisations to be able to dialogue with the police so that there would be no confrontation and that the indigenous people would not suffer physical violence.



Despite the existence of constitutional guarantees for free expression, the CIMI member (16), by the time of the interview, argued that *“in the last two years, the federal government and the Congress closed and cut off the dialogue with indigenous peoples”*. The right to freedom of expression has been increasingly restricted, requiring activists not only to mobilise supporters – such as the *congresspeople*, the *Comissão de Direitos Humanos da Ordem dos Advogados do Brasil* (CDH-OAB - Human Rights Commission of the Brazilian Bar Association), and the *Conferência Nacional dos Bispos do Brasil* (CNBB - Brazilian National Conference of Bishops) – but also to deal with painful bureaucratic channels that supposedly intend to organise the demonstrations. However, in a context of democratic erosion, unclear paperwork was activated to inhibit mobilisation and protests.

In the case of the organisation of the camp that marked the beginning of the *Levante pela Terra*, according to the CIMI group member (16) who welcomed the Kaingang in Brasília:

“ **The negotiation [with the police] continued until about 10 pm, when the Federal District government then gave indigenous peoples a written permission to camp there. The other day, the police came back because there was an acknowledgement that they needed another document. We provided that document again. The indigenous people stayed, and the camp grew, but the police were always there. They were always there watching, and there was always this threat that at any moment the police would attack.** ”

In Brazil, the individual right to protest is guaranteed *“by combining three rights listed in article 5 of the Federal Constitution”*.⁴³

However, it is a standard procedure to request official permission for organising protests in Brazilian cities. The protest organisation should request support to plan march routes, access to water, bathrooms, and other services from public service. The Military Police in charge of the order maintenance – observing or repressing protests in Brazil – present themselves with lethal guns and other mechanisms of intimidation. In case of protest repression, the riot police (*tropa de choque* in Portuguese) sector is activated for violent confrontations.

Such formal permission to organise protests is frequently used as a form of power to intimidate and restrict protesters since they are granted only after a series of legal bureaucratic requirements, hindering the rights guaranteed in the Constitution. Some scholars frame these bureaucratic small procedures as a form of structural violence – a state mechanism to harm more vulnerable people (Gupta, 2012⁴⁴; Drybread, 2016⁴⁵). In addition, when police keep watching the protesters, illegal vigilance may occur, and any action from protesters could be pointed as suspicious, driving to forms of repression. In this context, it is possible to understand that indigenous protesters understand the persistent presence of police **as intimidation**.

As a member of ISA (11) points out:

“ What happened at the beginning was much pressure not to let the camp stay, so in the first days, in the first weeks, the [Military] Police were repeatedly coming and saying that they had to leave, and that they had to leave. Civil society had to pressure the Brasília government, parliamentary pressure, helping to mediate for their permanence.

This type of intimidation limits the right to freedom of assembly. In addition, groups opposed to the indigenous people's rights and supporters of Bolsonaro and landowners' agenda created a climate of tension and threats throughout the realisation of the *Levante pela Terra* and *Levante pela Vida*.⁴⁶ According to the CIMI member (16),

“ Cars passed by the camp. We call these people inciters, and they are mainly pro-government. They cursed the indigenous people. However, there was a recommendation [from *Levante* organisers] that the indigenous people should not accept provocation. It was tense, it was tense. During the *Levante* period, there was this permanent tension.

An indigenous activist said that, later, “bolsonarists started passing through the camp and insulting the people”.⁴⁷ According to an indigenous lawyer (5) who followed all the occupations in Brasília from June to September, pro-Bolsonaro supporters “were always surrounding the camp, filming, and trying to create confrontation. They shouted, honked. It happened every day”. The newspaper *Congresso in Foco* also reported the infiltration of pro-Bolsonaro people

in the occupations, carrying nationalistic posters. In August, during *Levante pela Vida*, a Bolsonaro supporter recorded a video inciting people to “shed indigenous blood”. He said that the right-wing members were like gunpowder and Brasília would be “dis-indigenised” if the indigenous people tried to get into their way.⁴⁸ The video was removed from the internet by order of the Federal Police.

On 8 June 2021, a group of indigenous people occupied the ramp at the entrance of the National Congress, demanding a meeting with the president of the Congress, Arthur Lira, to discuss the PL 490/2007. However, the indigenous people were not attended by Lira, and they left the ramp.⁴⁹

This event was used to stigmatise indigenous peoples' presence in Brasília and justify the repression and violence that the indigenous people suffered later. On June 22, for example, Arthur Lira accused the indigenous people who protested on the ramp of climbing. As reported by the *Agência Câmara de Notícias*,⁵⁰ Lira declared:

“ Last week, some representatives of the indians arrived here and invaded the National Congress, climbed to the roof of the domes, and stayed using some kind of drug, smoking, and dancing up here.

This declaration demonstrates that a high-ranking political authority disregards indigenous protests. It also suggests that the demonstrations were illegal, criminalising the *Levante pela Terra*. The member of the CIMI interviewed (16) argued that entities and organisations which support indigenous peoples understand that this type of declaration is a form of attacking against the protests and stigmatisation of the indigenous movement itself, criminalising it.

“ The president of the Congress, Arthur Lira, conceived it as an illegal movement. He said that the “indians” were there illegally, that they would invade the Chamber. He said indigenous people were using drugs⁵¹ because they wanted pipes, their medicinal herbs, labelled that as drugs and that the “indians” were there doing an insult, or an offence, that legislative power, inciting the population against the deputies, in short. He made this whole argument to make the movement illegal.

According to an indigenous lawyer (5):

“ The Federal District police, several low-level government parliamentarians called us from the mobilisation ‘vandals’, ‘terrorists’! [...] And they tried to delegitimise it, saying that the mobilisation was not legitimate, that it did not represent the indigenous peoples, that this was not something that was happening, and they always tried this strategy, counter-arguing the mobilisation of the peoples.

Politicians try to delegitimise indigenous people by arguing that they are violent or they are not “indigenous” enough. The consequence is a shift in the public perception about the right to protest. A clear example of this is a tweet from far-right congresswomen Carla Zambelli trying to criminalise the protesters during the *Levante*:



Carla Zambelli's official Twitter profile⁵² (2/09/2021; image: reproduction): “CUT [Central Workers Union], hammer & sickle, and lots of iPhones marked the ‘protests’ of the ‘indigenous’ in Brasília. They threw stones against Military Police after the recent act when they shot arrows against various Congress Police officers and a civil servant at the House of Representatives. How long will the press pretend not to see this?”

In addition, on 24 August 2021, Bolsonaro himself declared to the national press that the indigenous people on *Levante pela Vida*

*are manipulated mass; they are being manipulated. This is also true for the Landless Movement, most of them are manipulated. They are people who live begging leftists. [...] They are not protesting for their own will. [...] An NGO finances this sort of organisation [protest], maybe some other institution. But their objective is to create chaos.*⁵³

These declarations support the overall process of discrimination and demoralisation of indigenous protests. The criminalisation of *Levante* as an illegal demonstration restricts the right to protest by the indigenous peoples. Once they are stigmatised and criminalised, they are removed, even physically, from the spaces of democratic decision-making. According to the CIMI member (16):

“ The statement by the president of the Congress [Arthur Lira] instigated the reaction of the police. Indigenous people had no longer access [to the Congress]. So, when the law judgement took place on 28 June, the indigenous people had to stay about half kilometre away from the National Congress. All the space around was under intense policing, so the indigenous people were not allowed to have any access near the Congress headquarter. All accesses were closed with police barriers, a huge contingent of police. And then when the indigenous people went to be present at the trial of the Extraordinary Appeal, on 30 June, in front of STF, there was also a huge police apparatus. It seemed that the indigenous people were real, let's say, bandits, because the police apparatus and the cops were wearing those outfits as if it was a war! ” It was a very embarrassing situation.

Military Police blocking indigenous access to the National Congress
(Photo: Carolina Cruz/G1)⁵⁴



Military Police blocking access of indigenous people to FUNAI for the first time in history, according to Eloy Terena
(Photo: Matheus Veloso/Catraca Livre)⁵⁵







On pages 25 to 27, you may see photos of the riot and military police's presence and actions during *Levante pela Terra* in June (Photos: Oliver Kornblihtt/Mídia NINJA)⁵⁶





Riot Police blocks the access of indigenous protesters to the Congress (Photo: Eraldo Peres/AP News)⁵⁷

The presence of Military Police highlights the intensification of conflicts and violence against indigenous peoples and their right to protest to preserve their rights granted in the Federal Constitution. According to the indigenous lawyer interviewed (5):

“ Risk of losing your life, right? Today this is our fear. Because today we see that the police act in such a dismal way. I witnessed it. I had never seen it. Today, **the police have orders to kill** [meaning, they were empowered to kill under Bolsonaro’s government],⁵⁸ **shoot protesters shamelessly. During the mobilisation [in June], it even happened that they pulled out a lethal weapon to intimidate the indigenous leaders by offending and saying bad words.** ”

During the *Levante*, police violence against protesters escalated on 22 June. In addition to intimidation with the draw of lethal weapons, rubber bullets were fired. According to the indigenous lawyer (5):

“ In the last demonstration that took place in Brasília, the police [represented] for us the risk [of] the person losing his or her life. So, we always say, ‘look, we are going to the mobilisation, we do not know how the police will receive us’. If any of them will shoot with a lethal weapon, or if they will shoot a rubber bullet at the person’s head, to leave serious injury, to try to silence their voice. We always expect the worst, right? That even includes losing our own life. We are all aware of this, aware that this is something that can happen. ”

The statement above shows the perception of police violence. Police violence happened on that day. The police attacked the indigenous people with pepper gas, rubber bullets, and riot police surrounded them. According to congresswoman Joenia Wapichana (REDE),⁵⁹ “more than 14 indigenous people were injured, two [...] in serious condition [...] some elderly people and women”. ISA states that:⁶⁰

The violent repression of the Military Police against the peaceful protest of indigenous people, late this morning (22), on the outskirts of the Chamber, in Brasília, left three people injured and another 10 feeling sick due to tear gas, pepper spray, and rubber bullets. A 26-year-old young man from the Sapará people of Roraima was hit by rubber bullets in the torso and stun guns in the back. He was hospitalised at the Base Hospital in Brasília, but, according to tests, he has no more serious internal injuries. In the parking lot of Annexe 2 of the Chamber, the indigenous people were protesting peacefully against the vote on Bill of Law (PL) 490/2007, when they were violently repressed by the Military Police, with rubber bullets, tear gas bombs. Children and older adults were among

the protesters. [...] They came on a peaceful march through the Esplanade of Ministries. Then, around noon, as they entered the road that crossed the back of the Esplanade and approached the Chamber, they were attacked from a barricade mounted by the ‘Batalhão de Choque’ at the entrance to Annexe 2. There was no action or incident on the part of the indigenous people to justify the violent reaction. According to information from the protesters, there were teams of the Legislative, Military, and Shock Battalion Police, with strong repression apparatus, including cavalry and a “caveirão”, an armoured car of the riot police.

The attack on indigenous peoples occurred in front of one building of the Congress headquarter named “Annexe 2”. This violent repression took place in the morning of 22 June. Politicians criticised the actions of the Legislative Police and *Polícia Militar do Distrito Federal* (PMDF - Military Police of Federal District). The police report we accessed (DOC 1)⁶¹ registered that the protesters intended to gather “with their relatives for a peaceful protest at Annexe 2 [...] The intention was to perform songs and dances that demonstrate the indignation [against the Bill of Law].



Riot police fire tear gas at indigenous protesters outside the Congress in Brasília (23/06/2022; photo: Eraldo Peres/AP News)⁶²

We interviewed a victim of police violence. One of the two protesters who were seriously injured (20) told us that *"only had a bottle of water in his hand, and we had our place to dance and sing, dance and sing, that is what we did"*. This victim was very sensitised and traumatised by the event. He reported that he was hit:

“ At the first moments, when the shootings started, [gas] bombs were thrown, I was hit. At first, I tried to protect myself, not to run, I just walked away; **when I turned around, I was hit** in the arm first, and then the bombs hurt me a lot. They threw some tear gas there. The explosion was **so intense that the sequels were still in my ear. It is still bleeding from time to time, after that. When he [the Military Police officer] threw me on the floor and put my head on the curb, I was a little disoriented.** I still managed to stand up, but I could not. [...] According to the people who were with me, even passing out in the firefighter emergency, [the Military Police continued to] fire and drop bombs. I passed out; I had great chances of death by suffocation. So, it is a bit of that, I cannot say it well, it is a feeling of revolt, indignation, but we do not lower our heads.

The police report accessed (DOC 1) states that this activist was hit

in the back by two rubber projectiles, one in the right arm and the other in the back region [...]. He was rescued by people who were present there. He even fainted.

Another seriously injured indigenous activist was trapped after the demonstration. According to the indigenous lawyer who accompanied the victim (5), he

“ was alone and he said he was caught by people in military uniform, with helmets. They took him and beat him. [...] So, these are issues that we are always afraid of happening: a leader who is on the front line can be kidnapped, can be hit, thrown somewhere or have something done to him or her.


We accessed the police report that registered this fact (DOC 2).⁶³ It states that the indigenous activist was thrown on the floor and received the following threat and offence: *"now you're going to die, you old indian"*.





Photos of police violence against indigenous protesters: tear gas, rubber bullets, and the draw of firearms (Photos: Andressa Zumpano/ Articulação das Pastorais do Campo; Ya Gavião/APIB; social networks reproduction/G1)⁶⁴






After the end of the Levante pela Terra, the indigenous peoples organised to return to Brasília in another protest – the Levante pela Vida, which was against the Marco Temporal, that would be judged by STF in August. This trial would define the future of the demarcation of Indigenous Lands in Brazil. More than 6,000 indigenous people gathered in Brasília from 22 to 28 August, under the protest slogan “Brazil: Indigenous Land”.

As a result of the impact and repercussions on civil society caused by the mobilisation of the Levante pela Terra, the Levante pela Vida did not have any clear cases of police repression. However, at the beginning of the mobilisation of indigenous peoples for the camping in Brasília, a legal action brought by a prosecutor from Brasília tried to criminalise the use of traditional indigenous artefacts and instruments, claiming that these had been transformed into “white weapons” – as it is possible to observe in the document “*Ação declaratória PMDF – FUNAI e Associações*” (DOC 3).⁶⁵

An indigenous lawyer (19) reported that



“ the entire reasoning in the process was so lurid, justifying the participation of FUNAI. They said that indigenous people were incapable of exercising the act of civil life. We know that, since 1988 [the year the constitution was promulgated], indigenous people have been recognised as Brazilian citizens. Without a doubt, this was the most special episode for me because we realised that the judiciary participated in this silencing strategy in our occupation that had six thousand indigenous people in Brasília [*Levante pela Vida*]. It is possible to see how we are living in a political scenario of curtailing our freedoms, including a basic principle of democracy which encompasses the right to assembling and protesting.”



Summary of the main findings: violations in the *Levante pela Terra*

Date	Violations	Sources	Human Rights Violations in CASE 1
Before			Censorship and criminalisation of leaders in the context of social demonstrations: the body of evidence points to a systematic pattern of violations against the freedom of peaceful assembly exercised by indigenous peoples in public demonstrations in Brazil.
From 07/06/2021	Police repression of Kaingangs	Interviewees cited 16, 11	
Previously to 07/06/2021	Companies refused to transport indigenous peoples	Interviewee cited 16	
During <i>Levante pela Terra</i>	Police cars intimidation	Interviewees cited 5, 11, 16, 22	The evidence includes a set of episodes involving the curtailment or impediment of the exercise of the right to protest.
During			
22/06/2021	Arthur Lira's criminalising declaration	Interviewees cited 5, 11, 16, 22	
22/06/2021	Annexe 2 attack – repression (bombs, gas)	Interviewees cited 5, 11, 16, 22	Self-censorship and intimidation: the identification of declarations made by public and private agents reinforce the occurrence of fear among protesters and caution when performing new demonstrations.
22/06/2021	Police abuses and violence against indigenous activists	Interviewees cited 5, 11, 16, 22	
After			
13/08/2021	Criminalisation of indigenous tools and cultural artefacts	“Ação declaratória PMDF – FUNAI e Associações” (DOC 3)	

CASE 2

Illegal mining attacks

Munduruku political organisation

The Munduruku are a people with a long warrior tradition. Between 12,000-15,000 people live near navigable rivers in the states of Pará, Amazonas, and Mato Grosso (see map below). They are mainly localised around Tapajós River and the towns of Santarém, Itatuba and Jacareacanga.⁶⁶ Jacareacanga is the main site of the indigenous peoples struggle for survival. Munduruku is one of the most threatened groups in Brazil because their lands are one of the richest sources for mineral mining, forcing them to stay in a permanent state of war against invaders. As reported by *Amazônia Real*, a journalism agency, there are 422 illegal mining points in their lands.⁶⁷



Map of Munduruku lands in Brazil (source: FUNAI)⁶⁸

In this section, we present the chain of events that threatened and intimidated Munduruku activists and political leaders in their exercise of freedom of expression and the right to protest. These events are the tip of an iceberg of an everyday life marked by systematic violence, confrontation, land invasions, poisoning by toxic chemicals, life threatening, death, and assassinations.

In the first event, we present the case of a Munduruku's coach that would transport activists to the protests in Brasília in June 2021. The vehicle was depredated by rival groups linked to illegal mining, obstructing the freedom of movement and assembly. In the second event, we discuss the emblematic case study of Maria Leusa Munduruku, an indigenous leader that had her life threatened and her house burned. By the time the interviews were conducted, Maria Leusa was in exile, living in an unknown location, to protect the life of her family.

Political background

The cases we investigated here are part of a dramatic and complex political context in which key politician figures, including the former minister of environment Ricardo Salles and the president Jair Bolsonaro, encouraged illegal mining through direct

and indirect acts and speeches since 2019 on – until the Bolsonaro administration ended. On 5 February 2020, Bolsonaro submitted a Bill of Law⁶⁹ to the Congress attempting to regularise mining and agribusiness in indigenous lands. In addition, as we showed in the section “stigma as state policy” (case 1), Bolsonaro speeches are marked by an anti-indigenous rights tone, encouraging illegal mining in their lands.

“ Why to project a space on a land where you can do nothing? We want an indian who can do the same as a landowner can do (explore the land), including mining.

” Exame, November 2019⁷⁰

“ In Roraima, there are 3 trillion underneath. Indian has [meaning should have] the right to explore it in a rational form. Indian cannot be poor above rich land.

” Poder 360, October 2021⁷¹

According to an anthropologist interviewed (10) with expertise on the Mundurucu resistance:

“ So, from 2019 until now, the discourse of Bolsonaro says that ‘you really have to explore indigenous land’, and that ‘there is no longer this thing of protecting indigenous land’. ‘That the lands are very rich’ and that ‘Brazil needs all that wealth’, there is an order in his discourse that sparked directly in the bases, there are administrative measures that were successively taken, including lobbying, intense, the action of miners with their allies in the

” National Congress.

According to a state attorney (17), Bolsonaro’s attitude was part of a systematic chain of actions that involved demoralisation, internal division, moral and economic pressure, repression, and violence against indigenous peoples who defended the preservation of their territories and their own survival. In addition:

“ The official discourse is favourable to criminal activities, including bills in progress in the Congress. Everything [speeches and bills of laws] signalises, to some extent, a flexibilization of indigenous rights to the territory, a flexibilization of economic activities in the territory. **This is what effectively gives strength and breath for invaders to remain in these areas.**



Besides the encouragement of illegal miners, the Munduruku were directly impacted by the Brazilian State when, in 2020, the minister Ricardo Salles gave a ride to illegal miners from Pará to the Federal District in a military plane of *Força Aérea Brasileira* (FAB - Brazilian Air Force).⁷² The use of the FAB plane to transport illegal miners for a meeting with Salles shows that the State used its apparatus to support groups that are contrary to indigenous peoples. More than a simple ride, this act reflects the anti-indigenous actions that structured Bolsonaro's federal administration. As reported by the G1 news portal:

On 5 August 2020, Ricardo Salles was in Jacareacanga, where he met with miners targeted by IBAMA [Brazilian Institute of Environment and Renewable Natural Resources] operation. At the time, the minister was in the company of illegal miners. He then spoke with the group that asked for the operation to be interrupted and even defended the mining site on indigenous land. The following day, people who defend mining in indigenous lands were taken to the meeting with the minister in Brasília.

The flight became the target of an investigation, opened in Itaituba [...], as according to the Federal Prosecutor's Office [MPF], the situation may constitute administrative improbity due to a diversion of purpose since the presence of the FAB in the region was intended to support an operation against crimes and environmental issues.

The FAB sent a document to the MPF. It informed that the people transported in the plane were representatives of the indigenous populations and determined to suspend the operation 'Verde Brasil 2' [by Federal Police against illegal mining] in the Jacareacanga region temporarily.

*The MPF attorney Paulo de Tarso stated that the temporary suspension of inspections was enough for criminals to hide their equipment and disarm the exploration sites, preventing any flagrant act.*⁷³



Minister Salles meets with illegal miners. Soon after, he suspended federal operations against illegal mining (7/8/2020; photo: reproduction/Folha de S.Paulo)⁷⁵

Ricardo Salles said that he was transporting indigenous people and defending indigenous interests because he had indigenous allies, who are Munduruku dissidents. One of the most perverse methods employed by illegal miners to attack the Munduruku is the encouragement of internal divisions within the communities, recruiting allies by enticing and paying some indigenous people (interviewees 10, 17). This strategy provokes internal conflicts and seeks to legitimise pro-mining actions. However, in an official communication from the Munduruku people,⁷⁴ indigenous leaders declared that the internal divisions provoked by the federal government's pro-mining discourse distort the reality. They stated that the Munduruku are against mining and they are resisting to protect their lands.



Munduruku activist reads the people's manifest (Photo: Munduruku archive)⁷⁶

Obstructing freedom of movement and assembly

In this political context, the Munduruku use protests as the last resource to achieve visibility in their struggle for land and survival. Their forms of protests are varied, ranging from writing manifests, establishing indigenous associations, and, finally, joining large demonstrations in Brasília. In the case of the Munduruku, it is emblematic that the opponents target their forms of organisation and mobilisation – their first steps –, trying to immobilise and silence them by obstructing their freedom of movement. In the lines to follow, we provide some examples of such a violation from April to June 2021.

In April 2021, Munduruku leaders would attend a meeting in their association to denounce illegal mining. Opponents depredated the coach, stealing fuel and the motor of their boats. According to a state attorney interviewed (17),

“ There is an intensification and a resurgence of violence imposed on the Munduruku people. So, basically, there was the theft of fuel that would be used to move indigenous people to villages where they would hold meetings to deliberate on the growth of mining in the Munduruku indigenous land. In addition to these fuel thefts, [pieces of the motor] were destroyed. All of those actions were made by a group of indigenous people from the Munduruku, enticed by the interests of gold buyers, machine sellers. **The so-called excavators, and other economic agents, liberal professionals came together in a hostile context to finance and subsidise undemocratic practices and the restriction of freedom of expression on the part of the people who oppose the growing criminal activity that opposes the territory.** ”

Prior to the fuel and motor theft, 830 litres of fuel had also been stolen from the Munduruku women association named *Wakoborun*. The official document of the MPF narrates that:

On 18 April 2021, the [pro-mining] group subtracted 830 litres of fuel that belonged to the Wakoborun Women Association, which fueled the internet of Munduruku. Showing pictures, this act was reported to the Civil Police⁷⁷ of Pará, which was insufficient to stop these practices.



On 9 June 2021, the coach that would transport Munduruku leaders to protest in Brasília was vandalised once again by indigenous people who support illegal mining. According to a report by *Amazônia Real*, 72 leaders could not board and had to wait for 24 hours for safe conditions to leave Jacareacanga.⁷⁸ According to a report published in the official website of MPF,⁷⁹ pro-mining groups blocked the roads, damaged the tires of the coach, and threatened the driver.⁸⁰



Indigenous coach damaged tires
(Photo: Munduruku archive)⁸¹

In an audio that circulated on WhatsApp, on 9 June 2021, accessed by *Amazonia Real*,⁸² pro-mining individuals exchanged messages that planned to set fire on bridges to prevent the leaders from travelling to Brasília.

We should close it [the roads]! We must set fire on a bridge and that's it! Set fire in the helicopters too [from Federal Police].

Another illegal miner responds:

True! It would be good to set fire on the bridge, so their coach cannot cross.

A state attorney (17) from the MPF interprets coach attacks in the following way:

“ Look at all, and this [coach attack] was after the issue of engine theft, fuel theft, depredation of the women association [see section below], from threats on social networks, from audios with the threats. They [miners] use this expression a lot: **‘you can’t report it to the Federal Prosecutor’s Office, you can’t report it to the Federal Police, if there’s an operation here someone will die’**. So, the entire process was marked by this attempt to silence those who want to live traditionally.”

Developments

To an anthropologist (10) whose works are on the Munduruku, the coach attack was an emblematic situation because environmental criminals were empowered and had travelled to Brasília via official governmental plane. Yet, indigenous people who wanted to join protests in Brasília had the coach attacked by illegal miners:

“ So this [the ride] was the movement that encouraged criminals, they were on the FAB flight. The interesting contrast in this game of narratives is that the illegal miners went on the FAB flight to talk to the minister and those who were against mining. When they tried to go to Brasília, they had the tires of their coach emptied.”

Resulting from such a discrimination, indigenous people also requested for a FAB ride to travel to Brasília – a case that was taken to court justice. On 15 June 2021, the Federal Court of Pará determined that air transport should be offered to Munduruku leaders who wanted to join the *Levante pela Terra* demonstrations. However, as the schedule was limited, the Munduruku leaders decided to continue travelling by coach, and Federal Police had to escort them all the way from Santarém to Jacareacanga. An authority from the General Attorney's Office (17) shared with us the document in which the general attorney determined⁸³ that indigenous people would receive security from the Federal Police and the National Security Force if they chose to travel by coach. The general attorney declared⁸⁴ that the escort is necessary because the attack on the coach was the tip of an iceberg of a series of threats, abuses, invasions, and violence suffered by the Munduruku.

The case of Maria Leusa Munduruku and women's political movement

On 25 March 2021, a minoritarian group of pro-mining Munduruku destroyed the building of *Wakoburun*, a Munduruku women association. The association is part of a social movement against illegal mining in Jacareacanga. The façade of the building was destroyed and documents and goods were burned.⁸⁵ Maria Leusa,⁸⁶ a prominent Munduruku leader, explained to *Agência Pública*⁸⁷ the events that occurred before the attack:

We had already received several threats⁸⁸ via Whatsapp audios because our warriors were monitoring our territory. In March, we monitored a

new location that they ["garimpeiros", the illegal miners] wanted to invade [in the region of the Igarapé Baunilha]. But our warriors did not allow them to access the territory. They shared audio messages [with threats]. Soon after, they invaded the territory. They had firearms. They put an embarkation in the territory and their indigenous allies to make the security of their gold transportation. When our warriors knew about the invasion, they headed to the area to spot the opening of the new mine. There was a conflict there. The pro-illegal mining people were revolted and said that our movement was funded by NGOs. They said that our organisation was preventing them from working. Then, the attack came, and they burned all our documents.



Criminals destroyed the building of the indigenous women association Wakorun, in Pará (Photo: reproduction of social networks/Folha de S.Paulo)⁸⁹

In the video, Marco Apolo Santana Leão, coordinator of the Society for Human Rights Defence (Pará), says:

We ask for the Federal Police and Federal Prosecutor's Office for investigation. The Federal Police have already started the investigation and they [forensics experts] already checked the place. We need support from authorities and national and international NGOs to provide the leaders with security.

Two months later, on 26 May 2021, the house of the coordinator of the Munduruku women association Wakoborun, Maria Leusa Kaba Munduruku, was burned in a criminal attack. According to a report by *Amazônia Real*, the attack was a reaction of the illegal miners against the operation *Mundurukânia*, which had been initiated two days earlier by the National Security Force and the Federal Police to remove illegal mines in the Munduruku Indigenous Lands.⁹⁰



Maria Leusa's house (Photos: reproduction of social networks/Amazônia Real)⁹¹



Maria Leusa Munduruku
(Photo: Rosamaria Loures/
Os Brasis e suas Memórias)⁹⁴



Before the attack, Maria Leusa had contacted the association, asking for help via WhatsApp audios. As published by *Amazônia Real*, she warned: *“They’re going to burn my house [...] They arrived here, a very large group of people. I’m super worried here [...]. Adonias is shooting. Please, help me. Adonias is shooting my house. He is shooting everywhere”*.⁹² Adonias is an illegal miner who was in a FAB flight to Brasília with the minister Ricardo Salles.

To an anthropologist (10) who maintains close personal ties with Maria Leusa, the case is emblematic because it shows the inability of the Brazilian State to protect political leaders who are threatened at this level: *“the illegal miners attacked Maria Leusa’s village [aldeia]. They set fire to her house, and they were shooting”*. According to the interviewee, this attack is a consequence of a complex flow of power and information – meaning a communication network of illegal miners – that affects the regulatory institutions’ capacity to stop illegal mining activity.

In a statement at the Congress Plenary, indigenous congresswomen Joenia Wapichana denounced that the information on the secret federal operation to fight illegal mining – one of the reasons that contributed to promote the attacks on Maria Leusa’s house – would have been leaked, which threatens indigenous’ lives: illegal miners

are threatening indigenous people with shootings, burning their houses in Pará. Indigenous people had been *“denouncing this situation for a long time and requesting the Congress for Federal Police support. So, I register this complaint here as an urgency, a necessary measure”*.⁹³

According to a state attorney (17), this type of attack has been normalised in past years, and even encouraged by political figures of the Bolsonaro administration:

“ There was an official discourse of encouragement of illegal activities by the Federal State, by political agents of the State. The political agents, in several moments, openly encouraged that indigenous lands should be used for development of illegal activities such as mining, logging. This ended up encouraging a capitalised portion of illegal entrepreneurs and criminals [to offer a modern way of life in a consumer society to some indigenous people]. So, after the theft of motor and fuels, the culmination point was the burning of the house of the leader Maria Leusa. So, we realised that the situation was totally out of control.

Finally, it is worth noting that most of our interviewees agree that even actions like this do not paralyse their political mobilisations. These attacks and intimidations do not stop them: as Maria Leusa declared in an interview for the news agency Agência Pública: *“We don’t fear, we can’t take a step back. It’s just avoiding these conflicts because we still have a lot to do”*.⁹⁵

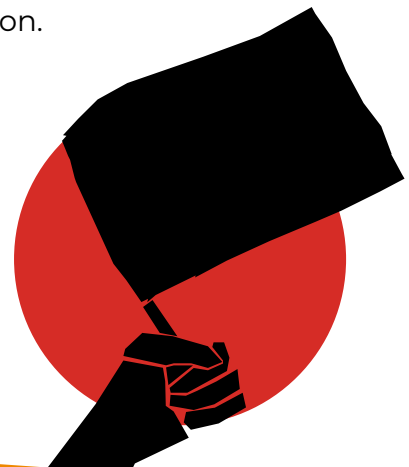
In the case of Munduruku, the very basic right to political organisation has been profoundly restricted at the most basic level. When indigenous people tried to join assemblies to denounce illegal mining, their fuel and boat motor were stolen. When they tried to join protests in Brasília, the tires of their coach were damaged. The building of their association and the house of their main leader, Maria Leusa, were criminally burned to intimidate them. These violent acts do not stop the Munduruku resistance, but certainly hinder their activities and spread a level of fear in the communities. In the end, Munduruku leaders joined the *Levante pela Terra* in Brasília, but Maria Leusa was still in exile by the time the interviews were conducted, waiting for security provided by the Federal Police. The fire and other events described here are still under investigation.

The Munduruku count on the legal protection of the MPF, which has made efforts to denounce the abuses that have been taking place in Para. On 23 April 2021, MPF requested the Brazilian State to offer public security to Munduruku people (see document above). However, this was not provided in time to protect Maria Leusa, for example. In another document, on 7 June 2021, the MPF denounced all environmental crimes in the region and requested the support of various institutions to protect the Munduruku people. However, not even



Request from MPF for Brazilian government to guarantee Munduruku people safety (Image: reproduction/MPF)

a request from one of the most important institutions in Brazil has been able to stop illegal miners. Several interviewees believe that the situation is out of control – “a state of war” – because these illegal groups had the encouragement of Bolsonaro during his administration.



Summary of the main findings: violations regarding Munduruku people

Date	Violations	Sources	Human Rights Violations in CASE 2
Before			
27/09/2019	Munduruku's communication argued against Bolsonaro's speech at the UN when he said that indigenous people are "cavemen".	Mainstream and independent indigenous media	Stigma: the set of evidence shows the existence of a pattern marked by discrimination, racism, and hate speech against indigenous people in Brazil. The unequal and offensive treatment of indigenous peoples by public and private agents reinforces the existence of a persistent stigma against such populations.
06/08/2020	Pro-mining groups were taken by an official plane to meet former minister of environment Ricardo Salles in Brasília.	Mainstream and independent indigenous media Interviewees cited 10, 17	
During			
25/03/2021	A group of pro-mining Munduruku indigenous people destroyed the headquarters of the Munduruku women association Wakoburun.	Mainstream and independent indigenous media Interviewees cited 10, 17	As a result of the effects of this violation, it is possible to identify three other violations: self-censorship and intimidation (that can be identified in the evidence that deals with the fear of performing new demonstrations); social and private violence (as pointed out in the series of attacks against Munduruku protesters); and attacks on physical and psychological integrity (as stated in videos, photos, and journalistic reports).
26/05/2021	Maria Leusa Kaba Munduruku house was burned down by groups of supporters of illegal mining activities.	Mainstream and independent indigenous media Interviewees cited 10, 17	
09/06/2021	Miners, including pro-mining indigenous people, blocked the coach carrying indigenous leaders.	Mainstream and independent indigenous media Interviewees cited 10, 17	
After			
15/06/2021	The Federal Court of Pará determined that air transport should be offered to Munduruku.	Mainstream and independent indigenous media Interviewees cited 10, 17	

CASE 3

Intimidation attempt against indigenous leader Sonia Guajajara

The *Articulação dos Povos Indígenas do Brasil* (APIB - Brazil's Indigenous Peoples' Articulation) is a Brazilian NGO created in 2005 with a recognised work for the indigenous peoples' rights. In August 2020, APIB launched a web series called *Maracá – Emergência Indígena*. The web series comprised a broader mobilisation organised by APIB in favour of an emergency pact that would guarantee access to rights and services by the indigenous population during the COVID-19 pandemic. It also addresses the lack of care and assistance for indigenous peoples during the pandemic in Brazil. In particular, all of the episodes demonstrate the failure of Jair Bolsonaro's government to combat the spread of the disease in indigenous territories.

The project had the support and participation of indigenous leaders and Brazilian personalities, artists, and indigenous and non-indigenous researchers, raising visibility on social media.⁹⁶ According to the *Emergência Indígena* (Indigenous Emergency) website,⁹⁷ the campaign “is at the forefront of the indigenous movement in Brazil in confronting the COVID-19 pandemic and its expansion into indigenous territories and peoples”.

Throughout the campaign communication, it is possible to identify elements that allow us to state that the web series composes

a set of peaceful political mobilizations promoted or co-promoted by APIB in street protests and online campaigns. The campaign website makes clear the objectives of APIB in relation to the web series and the mobilisation around the Indigenous Emergency Plan. According to the campaign website, the Indigenous Emergency Plan was aimed to be

a guiding plan for the actions of indigenous organisations linked to APIB and peer organisations. For this purpose, [the campaign] proposes general guidelines for preparing regional and local action plans. The plan will be worked out cooperatively throughout the national territory to strengthen and enhance network actions. Likewise, it intends to strengthen indigenous organisations linked to APIB and peer organisations related to the Brazilian indigenous movement.

The peaceful and democratic nature of the campaign activities, and in particular the content presented in the web series *Maracá – Emergência Indígena*, was also confirmed in the interviews. According to an indigenous lawyer (19), every step of the campaign had the objective to raise awareness towards the difficulties suffered by the indigenous peoples in Brazil during the COVID-19 pandemic:

“ Maracá [is] a web series in which the indigenous movement warns about the problems faced in the current government, how it affects indigenous peoples. Through this series that was launched last year [2020], on the International Day of Indigenous Peoples, we started a crowdfunding campaign to raise donations that could help fund APIB activities related to the aid of indigenous populations in need during this pandemic period.

Despite the peaceful nature of the web series content and the campaign as a whole, in April 2021, one of the APIB coordinators, Sonia Guajajara, was summoned by the Federal Police to respond to the allegation of having criticised the government in the web series.⁹⁸ The request came from FUNAI and was executed by the Federal Police in Brasília during the demonstration *Acampamento Terra Livre*.

The attempt to intimidate Sonia Guajajara can be understood as a clear violation of the right to protest. First, the choice to summon Guajajara is emblematic because of the indigenous leader's visibility. A former vice-presidential candidate in the 2018 elections by the *Partido Socialismo e Liberdade* (PSOL - Socialism and Freedom Party), Guajajara is currently one of the most important and

recognized leaders in the fight for the demarcation of indigenous lands in Brazil.⁹⁹

By choosing a high-profile target, the efforts to criminalise the right to protest exercised by Guajajara in the interview given to the web series had the effect of trying to frustrate not only the campaign, but the efforts made by indigenous and non-indigenous activists in favour of the right to obtain the state recognition of indigenous lands in Brazil. The negative impacts of the intimidation attempts carried out by agents and federal public bodies were highlighted in several interviews, as stated by interviewees 5, 9, 13, 16, 19, and 22.

As explained by an indigenous lawyer (13), the case was as follows:

“ This request was triggered by the current president of FUNAI, [...] who denounced APIB/Sonia Guajajara under the allegation of propagation of fake news. [...] So the accusation was made based on this argument, that APIB would be taking advantage of the situation, taking advantage of people through the propagation of actions or inactions of the federal government. The complaint was made through a letter sent by the president of FUNAI, and this request was moving forward, in fact, we know that it was filed in September of the last year, the president of FUNAI sent this complaint, and it was processed within the Federal Police until it culminated in our knowledge when Sonia's summons took place.

In addition, the decision to summon Guajajara in the context of the demonstration Acampamento Terra Livre is important to be observed. Particularly, it draws attention to the delay in carrying out the summons, as indicated by interviewee 13, and the choice to present the summons during the protests in Brasília. Regardless of whether it was deliberate, these decisions had even more harmful effects on the right to protest of indigenous populations in Brazil. According to an indigenous lawyer from an NGO (19):

Another important aspect to be noted is related to the content of the investigation carried out by the Federal Police. According to an indigenous lawyer (19): *“technically speaking, it is an empty complaint. Here is our perspective: the Brazilian State acts using all its apparatus to pursue these leaders”*. In addition to the absence of a clear indictment in the summons, the developments of the investigation demonstrated an inappropriate interest on the part of the Federal Police in the APIB finances and its sources of funding.

“ **It is a scenario of criminalising and delegitimising the indigenous movement and focusing on Sonia because she is the best known figure, [...] even because she was vice-presidential candidate, and there is a greater visibility [of the indigenous demonstrations] in the media, she becomes an easy target of this increasing political persecution, we see that this scenario is taking shape.** ”



Sonia Guajajara ✓
@GuajajaraSonia

Fui intimada pela PF, como representante da @apiboficial, para depor em um inquérito por conta da websérie Maracá. A perseguição desse governo é inaceitável e absurda! Eles não nos calarão!

1:30 PM · 30 de abr de 2021

4.674 Retweets 801 Tweets com comentário 29,2 mil Curtidas

Sonia Guajajara's official Twitter profile (30/04/2021; image: reproduction).¹⁰⁰ “I was summoned by the Federal Police, as @apiboficial¹⁰¹ representative, to testify in a police investigation over the launch of the web series ‘Maracá’. The persecution by this government is unacceptable and absurd! They will not silence us!”

The persecution against Sonia, as a lawyer (9) reported to us, was

“ a request for an investigation by FUNAI. So, it is FUNAI that institutes this request, it makes an Official Letter to the Federal Police due to the documentary *Maracá - indigenous emergency*, and they accuse the web series of containing too many lies. They claimed that there was fake news in the content of the videos and they also started to ask about how APIB funding works. **They tried to criminalise [the indigenous movement] all the time**, especially APIB and its funding procedures because I think they do not understand very well how the dynamics of a social organisation works and how a social organisation develops its work. They are currently trying to criminalise organisations based on this sort of discourse. It is interesting to look at the legal opinion issued by the Federal Prosecutor's Office, it highlights and lists points of illegality [in the summons]. [...] [Even with these points of illegality], police authorities immediately opened the investigation and began the investigation, **so we realise that the dynamics of democratic practices in Brazil have collapsed because there is this whole “anatomy” of criminalisation [of protests and social movements]**. It is interesting to observe these opinions and discourses from these institutions such as the Federal Prosecutor's Office, which makes a very incisive opinion to ask for this investigation to be archived.

” Sonia's case is very emblematic.

The violation of the indigenous peoples' right to protest can be observed in this emblematic case not only due to the attempts to intimidate Sonia Guajajara, but also through the series of illegalities committed by agents and public bodies against the right to free demonstration of the indigenous populations.

This becomes clearer when observing that the summons issued by the Federal Police that tried to frame Sonia Guajajara was based in the recently extinguished LSN. The arbitrary use of an outdated law created during the Brazilian civil-military dictatorship period (1964-1985) has served as an attempt of intimidation for the other indigenous and non-indigenous protesters who manifest themselves in favour of indigenous rights of having their lands recognized by the Brazilian State.

In this sense, this intimidation mechanism against Sonia is not an isolated case. One of the pieces of evidence that proves this inappropriate use of a legislation that restricts democratic rights is the collective *habeas corpus* filed in 2021 by *Rede Sustentabilidade* (REDE - Sustainability Party) against the indiscriminate use of the LSN:

*The recent use of the state apparatus [by Bolsonaro's government] in favour of political and ideological pursuits based on a dynamic oriented by the ruler on duty results in a public and notorious fact: whoever disagrees with him deserves to be investigated and to have his/her image exposed as a supposed criminal. **Brazil, unfortunately, has not completely overcome its authoritarian trait.***¹⁰²

The use of authoritarian norms derived from the Brazilian dictatorial period by the Bolsonaro administration also reinforces the stigma that still exists against indigenous populations in Brazil. Persecutions carried

out by Brazilian military governments against indigenous villages and communities in the past continued to be valued and incorporated into the set of values and actions promoted by the Bolsonaro administration. This perspective has been reinforced by entities that defend indigenous populations rights, such as CIMI. For the organisation, indigenous peoples, in general, suffer from a myriad of ways of political persecution in Brazil in a way that the attempts to accuse and criminalise dissonant voices make not rarely result in arrests. In the opinion of CIMI, *“prison is used by the State as a form of control and containment of specific groups, such as black and indigenous peoples”*.¹⁰³

Another aspect that makes the attempt to intimidate Sonia Guajajara being emblematic is the involvement of high-profile government authorities in online appearances. In this sense, the role of general Augusto Heleno Ribeiro Pereira stands out, being chief minister of the Institutional Security Office of the Bolsonaro administration. Also a general of the Brazilian Armed Forces, his performance in posting in his social media about the summons given to Sonia Guajajara makes up a larger scene that helps to prove the attempts of intimidation provoked by the public agents against the right to demonstrate for indigenous peoples.

The efforts of the Bolsonaro administration to thwart protests against the government were mentioned in several interviews, among which interviewees 9, 13, 16, and 19 stand out. According to an indigenous lawyer interviewed by us (19):

“ [All this appears to happen in] successive acts that [leads to] General Heleno, who is [also] the head of the Institutional Security Office. **General Heleno, the president’s right-hand man. On his social networks, he wrote a tweet last year attacking Sonia and APIB, saying that both committed crimes against their homeland** from the moment they tarnish the image of Brazil abroad. This was [...] the first time that a person representing the federal administration, below [is seen] imputing a crime [to an indigenous leader] and defaming an indigenous organisation and the figure of one of its leaders. After that we watched this investigation by the Federal Police [against Sonia Guajajara].



General Heleno tweeted in *his personal Twitter account* (18/09/2020; Image: reproduction):¹⁰⁴ “Brazil’s Indigenous Peoples’ Articulation (APIB) is behind the website defundbolsonaro.org, whose objectives are to publish fake news against Brazil, imputing environmental crimes to the President of Brazil; and supporting international boycott campaigns against Brazilian products. The organisation is managed by Brazilians, affiliated to left-wing parties. The “Indigenous Emergency” initiative is chaired by the indigenous Sonia Guajajara, a PSOL activist and linked to the actor Leonardo Di Caprio, a staunch critic of our country. The APIB website is associated with several others, which also work 24 hours a day to tarnish our image abroad, a crime against our homeland.”

The texts were posted in General Heleno's personal account on Twitter and referred to the "Defund Bolsonaro" campaign. Launched by Brazilian activists, the "Defund Bolsonaro" campaign consists of a series of online interventions with the aim of alerting the international community to the risks involved in the support provided by banks and companies from different countries to Bolsonaro's government.

The campaign video to which General Heleno's tweets referred associates the devastation of the Amazon Forest with the responsibility of the Brazilian government over climate matters. The video argues that "Jair Bolsonaro presides over Brazil, but what he is doing for the Amazon impacts our planetary future", and also states that these violations of human rights happen "while your bank, your government, the brand you buy, and the food company you consume supports him", ultimately questioning: "Which side are you on? Bolsonaro or Amazon?" ¹⁰⁵



"Defund Bolsonaro" campaign
(Image: reproduction/Poder 360) ¹⁰⁶

The current political scenario marked by the growth of political forces against respect for democratic rights in Brazil constitutes one more piece of evidence that composes the panorama of the violation of the right to protest.

The Bolsonaro administration's perspective that anti-government democratic demonstrations were "bad for business" was responsible for inciting animosity against protesters. The allegations of government representatives against their critics used the 'lack of patriotism' argument to justify the use of intimidation and violence against leaders and participants in democratic demonstrations.

As a result, under the Bolsonaro administration, legal norms enacted during the civil-military dictatorship (1964-1985) that were considered outdated until the recent days gained relevance once again. As one of the lawyers interviewed by us (19) pointed out:

“ This militarization of FUNAI also takes me back to the period of the dictatorship, in which the military, historically, through the SPI [Indian Protection Service], were responsible for protecting indigenous peoples [while intimidating and attacking them]. And it is interesting to realise that even today, in 2021, this heritage of violence is still very latent and alive. So, taking into consideration the current militarization of FUNAI, I do not doubt that, in the case of Sonia, this request was an attempt to intimidate her.

The body of evidence presented was consistent in demonstrating an existing pattern of intimidation of activists and protesters by public officials. Both through the taking of judicial measures and the public statements, the posture adopted by the federal government administered by Jair Bolsonaro was considered by several interviewees – 6, 13, and 19 stated – as an obstacle to the exercise of democratic rights such as the right to protest. According to the evaluation of one indigenous lawyer (13):

“ **Today [our] main enemies are government agents who think we are acting against Brazil because in their opinion they are patriots and we are not. However, that is not the case. We also want to fight for our rights. We also fight for our country. However, if we show any opposition to the posture of the current chief of State, they try to delegitimize our arguments, or they try their best to frame our acts and manifestations as something criminal or illegal. So there is this tendency, we are not bluffing, we have proof and evidence that these violations have happened.**

Following the opinion issued by the Federal Prosecutor's Office to close the investigation, the inquiry against Sonia Guajajara was ultimately shelved by a federal court in May 2021. According to the decision of federal judge Frederico Botelho de Barros Viana, the allegations presented by FUNAI “do not bring any evidence, even the slightest, of the existence of abuse of the exercise of rights or any kinds of crime, whether against third parties or the State”.¹⁰⁷ In his decision, Barros Viana decided to nullify the procedure led by the Federal Police that summoned Sonia

Guajajara. Moreover, the decision established a five-day deadline for the Federal Police to provide information about the investigation.

As stated by some of the interviewees, the decision came out as robust evidence of an attempted intimidation by public officials against the indigenous peoples' right to protest. According to a media article published on G1 website:

For the judge, FUNAI tried to apply the National Security Law against the indigenous leader covertly. According to him, the law “embodies a vile instrument of criminal prosecution against those who eventually oppose the dominant political and governmental structure, whatever it may be”.¹⁰⁸

The use of intimidation as a mechanism to constrain or reduce access to democratic rights was a common resource used by Bolsonaro's government and with proven effects in the case of Sonia Guajajara. As a result of such attempts, the government expected to restrict the existence of dissonant voices, fostering a climate of persecution and violence against protesters. As a journalist and activist on human rights argued (9):

“ **This type of threat, a very public type of intimidation, has real consequences in the end, because then the landowners respond to it, the ‘grileiros’ [illegal land grabbers] respond to it, the pro-gun groups respond to it [...]. It gives an explicit authorisation and a clear shield so that the criminals at the edge feel more authorised to go after the indigenous peoples and indigenous lands to commit environmental crimes. This scenario is very sensitive.**

In most of the evidence collected, it is possible to identify the negative effects of intimidation attempts against indigenous and non-indigenous protesters by public agents. In addition to the direct impact on the free exercise of the right to demonstrate, these measures have a complex dynamic and a social dimension that can provoke psychological harm for protesters and activists. As a member of CIMI (16) argues, the stigmatisation causes fear and intimidation:

“ Not only concerning Sonia’s case but also [...] several other leaders. Because this judicialisation process does not only happen in the indigenous villages, now they are using this strategy to criminalise indigenous leaders, especially those who are not favourable to this government. So, a good part of the leaders is being criminalised with the approval of FUNAI itself. The legal process against Sonia Guajajara was the result of a deliberate strategy created by this government and FUNAI itself. It was clear that they are going to use this type of strategy of intimidating the main indigenous leaders in Brazil, because if they can make a case like that one against Sonia Guajajara, a person who has all this visibility at national and international levels, I guess what’s been happening with the [less visible] leaders in the interior [and smaller villages].

Other evidence collected during the investigation allows us to affirm that the state power has been used against protesters in Brazil for purposes contrary to respect for the exercise of democracy. As one indigenous lawyer and activist interviewed (22) warned:

“ When marginalised groups work to denounce the continuation of these violations and the denial of their **rights, these people suffer intimidation, aggression, legal restrictions, arbitrary arrests... and this needs to be corrected.** These violations need to be taken to the international courts as the Brazilian justice does not take a position, it has been silent as well as FUNAI and the Federal Prosecutor’s Office.



In the same vein, one of the journalists interviewed during the research (9) stated that *“we know they are monitoring [the indigenous leaders] and we know that there is a state apparatus watching over the indigenous people, [...] we know that”*.

One of the pieces of evidence supporting the above statements is based on the fact that persecution of indigenous leaders still continues. Although Sonia’s case was closed by the federal court, on the same day that the indigenous organisations became aware of the summons received by Sonia Guajajara, they were also warned about the summons of the indigenous leader Almir Suruí. According to an indigenous lawyer interviewed by us (13), *“Almir was also summoned to the Federal Police [...] over a similar accusation of spreading fake news and [the summons also present charges] referring to the positioning of these leaders that are contrary to the government”*. In this sense, an indigenous lawyer (5) stated that the persecutions faced by the indigenous movement in Brazil aim at *“indigenous leaders who are on the front line”*.

These acts of intimidation by state agents, even when only attempted, represent a restriction of the constitutional liberties of indigenous peoples. As Sonia Guajajara posted in her Twitter (on 30 April 2021):¹⁰⁹ it is **“persecution by this government, [which] is unacceptable and absurd! They will not silence us!”** (aforementioned). An indigenous lawyer (22) added that:

“ The system of legal protection for indigenous peoples in Brazil did not fall from the sky, it did not result from the generosity of the State or institutions, **but from the resistance and efforts of indigenous peoples to assert pre-existing rights**. Even though the Federal Constitution does not create the right to territory, it recognises the right to territory, also the right to social organisations exists without any impediments, to linguistic and customs diversity. Because these are rights that already existed before the invasion of Brazil in 1500, so I see the Brazilian legal system applicable to indigenous peoples as the result of the struggle to reaffirm rights that were historically denied, the right to have rights as a human being.

Based on the evidence presented, it is possible to affirm that the intimidation attempts against Sonia Guajajara constitute a clear pattern of violation of the indigenous peoples’ right to protest in Brazil. By using agents and public bodies to persecute protesters and activists, the former government sought to hinder the exercise of democratic rights, with negative impacts for the entire Brazilian society. As the government misused its prerogatives to persecute and criminalise its critics, the Bolsonaro administration reaffirmed its esteem against specific marginalised groups, such as indigenous peoples.



Summary of the main findings: violations regarding LSN against Sonia Guajajara

Date	Violations	Sources	Human Rights Violations in CASE 3
Before			Repression and excessive use of force: the body of evidence shows how the Brazilian state apparatus was disproportionately used to repress the freedom of expression of indigenous leaders with the aim of constraining or preventing the circulation of videos and information about the violation of indigenous peoples' rights.
August 2020	APIB launched the international mobilization web series <i>Maracá – Emergência Indígena</i> .	Mainstream and independent indigenous media Official Twitter accounts of Sonia Guajajara and General Heleno Interviewees cited 19,13, 9, 16, 22	
18/09/2020	After the campaign “Defund Bolsonaro” was launched (by environmental activists in 02/09/2020), General Heleno tweeted accusing APIB, Sonia Guajajara, PSOL, and Leonardo Di Caprio of crimes against national interests of Brazil.	Mainstream and independent indigenous media Sonia Guajajara’s official Twitter profile Interviewees cited 19,13, 9, 16, 22	
During			Self-censorship and intimidation: the identification of declarations made by public and private agents reinforce the occurrence of fear among protesters and caution when performing new demonstrations.
20/04/2021	Sonia Guajajara is summoned by the Federal Police to testify in an inquiry on behalf of the web series <i>Maracá – Emergência Indígena</i> .	Mainstream and independent indigenous media Sonia Guajajara’s official Twitter profile Interviewees cited 19,13, 9, 16, 22	
After			
May 2021	The inquiry against Sonia Guajajara was shelved under the legal argument of political uses of LSN by FUNAI.	Mainstream and independent indigenous media Sonia Guajajara’s official Twitter profile Interviewees cited 19,13, 9, 16, 22	

Conclusion

Based on the pieces of evidence collected during this investigation, it is possible to identify at least three cases involving violations against the right to protest in Brazil. These episodes still reflect the stigma and discrimination suffered by indigenous peoples through time and with visible reflections in the present day. They also show the inability of the Brazilian State to respect, protect, and guarantee the exercise of the right to protest without discrimination. The occurrences in all three episodes include harassment, threats, intimidation, and violent acts committed by both public and private agents, evidencing a pattern of systematic violation of rights as follows:

- **Stigma against indigenous people:**

it was possible to observe in all three cases a pattern of official abusive and anti-rights declarations and institutional practices by the Bolsonaro administration that had adopted the stigma against indigenous peoples as a state policy. Key governmental apparatus – including authorities and institutions, such as the former minister of environment, Ricardo Salles; General Heleno, of *Agência Brasileira de Inteligência* (ABIN - Brazilian Intelligence Agency); president Bolsonaro, and FUNAI, which should protect indigenous rights – explicitly acted against indigenous groups. The incident against Maria Leusa is a drastic and emblematic case that shows such a systematic pattern of anti-indigenous alliances between political and economic interests. The effect of such a process on indigenous people is twofold. On the one hand, indigenous people are scared

and intimidated. On the other hand, such a fear does not prevent them from mobilising themselves. Protests in Brasília and international campaigns constitute the last extreme resource in indigenous struggle for survival, land, and recognition.

- **Self-censorship and intimidation:** in all three cases, it was possible to perceive the presence of an environment of self-censorship among protesters. This effect can be understood as one of the visible results of the occurrence of violations against the right to protest. Both in public demonstrations and public speeches by indigenous leaders, the defence of the rights of the indigenous population has often been discouraged due to the way in which private and, above all, public agents have framed episodes involving freedom of expression, assembly, and association as conduct liable to criminalisation.

- **Censorship and criminalisation of leaders in the context of social demonstrations:**

in case 3, we observe a pattern of violations against the indigenous leader Sonia Guajajara, who was summoned to testify to the police due to the exhibition of the web series *Maracá – Emergência Indígena*, launched by APIB. As in the previous cases, although some violations were directed against individuals, the Amerindian perception of notions as ‘individual’ and ‘society’ allows us to state that, from the point of view of these groups, these attacks, even when

directed at a person, affect and cause damage to the entire collective. It is also important to highlight that this case shows the indigenous right to freedom of expression and speech, as well as artistic freedom, violated through censorship practices.

• **Attacks on physical and psychological integrity; social and private violence:**

in [case 2](#), the FAB ride to illegal miners and the coach attack show how stigma and discrimination affect indigenous peoples. Through situations involving intimidation of indigenous peoples and the favouring offered to groups opposed to indigenous peoples, public and private agents have unjustifiably impeded the exercise of the right to protest. In addition, the attack carried out by promoting indigenous to the building of an indigenous people's association against illegal mining in Jacareacanga as well as the threats directed at Munduruku leader Maria Leusa reinforce a pattern of violation marked by a constant state of intimidation with the aim of silencing dissonant voices to the interests of miners and landowners.

• **Repression and excessive use of force:**

in [case 1](#), the threats carried out against Kaingang indigenous demonstrators and the use of police intimidation before the *Levante pela Terra* camp was held undermined the full exercise of the right to peaceful assembly. Attempts by the president of the Brazilian Chamber of Deputies, Arthur Lira, to classify the demonstration as illegal sought to criminalise the exercise of peaceful protests carried out during the camp. The police repression during the camp directly hurt the demonstrators right to protest. The political reorientation promoted by Jair Bolsonaro's government at FUNAI, a federal agency originally created to guarantee the protection of the rights

of the indigenous population, resulted in the agency's attempts to criminalise indigenous tools and cultural artefacts.

The lack of ability of the Brazilian State to fully recognise the right to protest is also expressed by the existence of a set of laws aimed at preventing and criminalising protests. One of the main legislations in this regard is Law no. 7170/1983, known as the *Lei de Segurança Nacional* (LSN - National Security Law). Created during the period of the Brazilian civil-military dictatorship (1964-1985) and in force until the present day, LSN contains a set of articles that seek to restrict the right to association and assembly. Law no. 13260/2016 (known as the "Brazilian Anti-Terrorism Law") is another example of legislation that has generated a great negative impact on the right to protest and peaceful assembly of individuals and groups in Brazil. Although no definitive decisions by higher courts were identified in the past years in the states of the Brazilian Amazon that prove violations of the indigenous people's right to protest, it is possible to find decisions that deal with issues that are usually the object of protests carried out by indigenous demonstrators, such as the protection of the environment and the right to full recognition of their lands. The rising of new bills created with the aim of broadening the definition of the crime of terrorism currently seek to reach social movements, street demonstrations, and political and social protests, with harmful effects on the exercise of democracy.



Endnotes

¹ *Traditional peoples* – or traditional populations – are the 28 communities that live by their own “means of life”, culturally different from most of the population of Brazil. By that definition, here are some examples of the peoples considered “traditional”: indigenous, *quilombolas* (African-descendent resistance communities), *caiçaras* (traditional communities that live on coastal areas), Roma, communities of Afro-brazilian religions, amongst many others. In this report, we focus on indigenous protests, and even though the expression “traditional” is used as a synonym, it is worth stressing out that all those communities are targeted by the policies here exposed and they have their own means of protesting on and participating in public interest matters

² In order to preserve the way the Brazilian linguistic community designates its geographical places (toponyms), the names of cities and states are written according to the Brazilian Portuguese morphology (endonyms) in this report – for example: *Brasília*, *Pará*, and *Santarém*.

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⁵ Gama, M. (25 August 2021). *O Brasil é terra indígena!* UOL.

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⁷ Alice Pataxó's tweet [link](#).

⁸ CNN Brasil. (20 April 2021). *Ricardo Salles ironiza indígenas com celulares nas mãos*.

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¹⁵ Torres, M.; Branford, S.; Torres, M.; & Branford, S. (14 February 2017). *Soja destrói a Amazônia e “chantageia o país”*. The Intercept Brasil. Fachin, P. Edição: João Vitor Santos. (2021). *Discurso ‘pró-garimpo’ aumenta desmatamento, ameaça indígenas e internacionaliza floresta*. Entrevista especial com Dário Bossi, Bruno Milanez e Luiz Jardim Wanderley. Instituto Humanitas Unisinos (IHU).

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¹⁸ Phillips, D. (3 January 2019). *Jair Bolsonaro launches assault on Amazon rainforest protections*. The Guardian.

¹⁹ Greenpeace Brasil. (2021). *A tragédia dos Munduruku*.

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²² United Nations. (2020). *The right of peaceful assembly, as defined by General Comment no. 37*.

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²⁶ ARTICLE 19. (2013). *Protestos no Brasil*.

- ²⁷ ARTICLE 19. (2021). *Social and Political Crisis: Massive Protests in Brazil in 2021*, São Paulo.
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- ²⁹ ARTICLE 19. (2013). *Protestos no Brasil*.
- ³⁰ Ibidem.
- ³¹ *Acre Court*.
- ³² *Amapá Court*.
- ³³ *Amazonas Court*.
- ³⁴ *Maranhão Court*.
- ³⁵ *Mato Grosso Court*.
- ³⁶ *Pará Court*.
- ³⁷ *Rondônia Court*.
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- ⁵¹ Spechoto, C. (22 June 2021). *Lira diz que indígenas provocaram tumulto e já usaram droga no teto do Congresso*. Poder 360.
- ⁵² *Carla Zambelli* on Twitter. (2021).
- ⁵³ Xavier, G. (24 August 2021). *Bolsonaro chama indígenas de massa de manobra e diz que vivem de 'esmola da esquerda'*. CartaCapital.
- ⁵⁴ Click [here](#) for more information.
- ⁵⁵ *Video* of the action.
- ⁵⁶ You may find the photos here: a, b, c, and d.
<https://www.flickr.com/photos/midianinja/52035705212/in/photostream/>;
<https://www.flickr.com/photos/midianinja/52339554250/in/album-72177720301901302/>;
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- ⁵⁸ "I will give the police carte blanche to kill"; "Let's clog up the prisons with criminals"; "Police that kill thugs will be condecorated" - these were all campaign trail statements from Jair Bolsonaro. Source: The Intercept. *Why Are Victims of Police Violence Voting for Jair Bolsonaro?*
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⁶⁶ Check out more *information on the Munduruku context* (in English).

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⁷³ Carneiro, T. (29 September 2020). *MPF questiona FAB sobre voo que levou garimpeiros do PA para reunião com ministro Salles em Brasília*. G1.

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⁷⁵ CIMI. (27 September 2019). *Comunicado do Povo Munduruku: somos contra o garimpo e mineração em terra indígena*.

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⁷⁷ The Civil Police are public security institutions that exercise judicial police functions in the Brazilian states. Their main functions are to prevent, rebuke, and investigate.

⁷⁸ Neto, C. P. (28 May 2021). *Garimpeiros barram operação da PF no Pará e indígenas são abandonados*. Amazônia Real.

⁷⁹ Click *here* for further information.

⁸⁰ Neto, C. P. (28 May 2021). *Garimpeiros barram operação da PF no Pará e indígenas são abandonados*. Amazônia Real.

⁸¹ Click *here* for further information. You may want to see this *video* as well.

⁸² Neto, C. P.; Farias, E. (26 June 2021). *Garimpeiros impedem indígenas de irem a Brasília*.

⁸³ Procuradoria da República no Pará. (2021). *Sala de Imprensa*.

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⁸⁵ Maisonnave, F. (25 March 2021). *Turba destrói sede de associação de mulheres indígenas antigarimpo no PA*. Folha de S.Paulo.

⁸⁶ We contacted Maria Leusa several times through WhatsApp, but she was hidden in exile, and had connection problems to give us a formal interview.

⁸⁷ Anjos, A. B. (16 June 2021). *Maria Leusa Munduruku sobre garimpo ilegal: “Estamos em um estado muito grave de ameaças físicas”*. Agência Pública.

⁸⁸ De Olho nos Ruralistas. (11 June 2021). *Garimpeiros ameaçam líderes Munduruku a caminho de Brasília: “Vamos tocar fogo no ônibus”*.

⁸⁹ Maisonnave, F. (25 March 2021). *Turba destrói sede de associação de mulheres indígenas antigarimpo no PA*. Folha de S.Paulo. For further information, watch this *video*.

⁹⁰ Alves, M.; Farias, E. (21 June 2021). *Garimpeiros atacam aldeia e incendeiam casa de liderança Munduruku*. Amazônia Real.

⁹¹ Click *here* for further information.

⁹² Alves, M.; Farias, E. (21 June 2021). *Garimpeiros atacam aldeia e incendeiam casa de liderança Munduruku*. Amazônia Real.

⁹³ Click *here* for further information.

⁹⁴ Alves, M.; Farias, E. (21 June 2021). *Garimpeiros atacam aldeia e incendeiam casa de liderança Munduruku*. Amazônia Real.

⁹⁵ Anjos, A. B. (16 June 2021). *Maria Leusa Munduruku sobre garimpo ilegal: “Estamos em um estado muito grave de ameaças físicas”*. Agência Pública.

⁹⁶ Radar Amazônico. (2020). *Websérie “Maracá – Emergência Indígena” traz alerta sobre pandemia de coronavírus em comunidades indígenas.*

⁹⁷ Articulação dos Povos Indígenas. (2021). *Maracá – Emergência Indígena.*

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⁹⁹ It is important to note that, after the conduction of this research, Sonia Guajajara became head of the Ministry of Indigenous People, created in January 2023 by Lula’s recently elected administration. That came as a recognition of her important role in the defence of the indigenous peoples’ rights.

¹⁰⁰ *Sônia Guajajara* on Twitter. (2021).

¹⁰¹ *APIB Oficial* on Twitter. (2021).

¹⁰² BOL. (5 May 2021). *Rede aciona STF contra inquéritos baseados na Lei de Segurança Nacional.*

¹⁰³ Barreto, N. (2021). *The place of incarceration in institutional violence against indigenous peoples in Brazil.* CIMI - Conselho Indigenista Missionário.

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¹⁰⁵ Diniz, J.; Freire, S. (2020). *Campanha ‘Defund Bolsonaro’ culpa presidente por destruição da Amazônia.*

¹⁰⁶ “Defund Bolsonaro” campaign *image*. (2020).

¹⁰⁷ Vivas, F. H. (2021). *Federal court orders to Federal justice orders PF to file investigation over indigenous leader for government criticism.*

¹⁰⁸ Ibidem.

¹⁰⁹ *Sônia Guajajara* on Twitter. (2021).



ARTICLE 19

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